

BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION
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LICENSING NEWS

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Cover Photo: Fire behavior analyst, John McColgan took this photo while on the Sula Complex fire, Bitterroot National Forest, just north of Sula, Montana on August 6, 2000. McColgan is a Bureau of Land Management employee for the Alaska Fire Service in Ft. Wainwright, Alaska.

Professional Foresters Registration welcomes photo submissions which would be suitable for the cover of this publication.

LICENSING NEWS

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I. Board of Forestry and Fire Protection

1. Board Seeks Nominations for PFEC

The Board of Forestry and Fire Protection is requesting nominations for five (5) upcoming vacancies on the Professional Foresters Examining Committee (PFEC). PRC §763 establishes the PFEC as a committee of the Board consisting of at least seven members, and distributed as follows:

1. Two public members with one selected from the membership of the Board.
2. At least four Registered Professional Foresters (RPFs) representing a broad cross section of employment and expertise, and
3. At least one certified specialist pursuant to PRC §772.

Currently, there are seven RPFs (including the public member from the Board), one public (non-RPF) member, and one Certified Rangeland Manager who is also a RPF serving on the PFEC.

The PFEC serves at the pleasure of the Board. The PFEC is charged with the examination of individuals for registration as RPFs. It initiates and monitors investigations into complaints made against RPFs, and recommends appropriate disciplinary action to the Board pursuant to 14 CCR §1612. The PFEC also provides oversight for the specialty certificate programs adopted by the Board.

PFEC members serve a four-year term. However, the Board may designate two of the five vacancies as three-year terms to arrive at a stagger of terms which will result in only two vacancies on any given year. The PFEC currently meets approximately every six weeks, depending on the level of licensing and disciplinary issues.

There are five positions to be filled effective January 15, 2001, in the following categories: RPF-USFS, RPF-CDF, RPF-Consultant, Public Member-Board of Forestry and Fire Protection and Public Member-Timberland Owner

In the back of this issue of *Licensing News* is a nomination form. You may mail or FAX this form to the Board.

Board of Forestry and Fire Protection
PFEC Nomination
P.O. Box 944246
Sacramento, CA 94244
[FAX] (916) 653-0989

Nominations must be received no later than December 15, 2000 at 5:00 p.m.

2. Regulatory Modifications Effective July 1, 2000

On May 31, 2000, the Office of Administrative Law approved numerous regulatory modifications to two rules packages approved and submitted by the Board. Those packages addressed the protection for threatened and impaired watersheds (14 CCR §895 *et seq.*) and review team composition (14 CCR §1037.3 *et seq.*). These modifications became effective on July 1, 2000.

Additionally, RPFs should be aware that the package addressing “Coho Considerations, 1999”, as approved by the Board in September 2000, was subsequently disapproved by the Office of Administrative Law. However, it is anticipated that changes may be incorporated at the November 2000 meeting of the Board, resulting in the approval of this package and subsequent implementation on January 1, 2001. In that rule language has not been finalized or approved at this time, no text is contained in the appendix of this issue. RPF’s are advised to check the Board website, the Department’s mass mailing, or *Barclay’s* for final rule language.

Brief summaries of the approved modifications are shown below. These summaries are provided to inform RPFs of those regulatory changes in a cursory way, and are not intended to be authoritative. *Barclay’s Official California Code of Regulations* has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose. Unofficial underline/strikeout versions of the modifications may be found in the Appendix of this issue.

PROTECTION FOR THREATENED AND IMPAIRED WATERSHEDS, 2000

14 CCR § 895 – Abbreviations Applicable Throughout Chapter

- The inclusion or clarification of the following abbreviations:
 - California Department of Forestry and Fire Protection
 - California Department of Fish and Game
 - Habitat Conservation Plan
 - National Marine Fisheries Service
 - Regional Water Quality Control Board

14 CCR § 895.1 – Definitions

- The inclusion of the following new definitions:
 - “Bankfull stage”
 - “Beneficial Functions of Riparian Zone”
 - “Channel Zone”
 - “Inner Gorge”
 - “Stable operating surface”
 - “Watersheds with threatened or impaired values”
- The modification of the following existing definitions:

- “Saturated soil conditions”
- “Watercourse or Lake Transition Line”
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 898 – Feasibility Alternatives

- The inclusion of the requirement to assess proposed operations in terms of cumulative impacts on 303(d) waterbodies listed as water quality impaired.
- The inclusion of the requirement to provide feasible mitigation measures to reduce impacts on those waterbodies to a level of insignificance.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 898.2 – Special Conditions Requiring Disapproval of Plans

- The addition of the National Marine Fisheries Service to those agencies listing rare, threatened or endangered species.
- The potential violation of an applicable water quality control plan adopted or approved by the State Water Resources Control Board is added under grounds for plan disapproval.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 914.8 [934.8, 954.8] – Tractor Road Watercourse Crossing

- The addition of the requirement to fully describe crossing facilities on watercourses that support fish, and for the unrestricted passage of water.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 916 [923, 956] – Intent of Watercourse and Lake Protection

- Added reference to the protection of native aquatic and riparian species and the beneficial functions of riparian zones
- The addition of specific considerations to be included in assuring protection of the above listed items.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 916.2 [936.2, 956.2] – Protection of the Beneficial Uses of Water and Riparian Functions

- The addition of values to determine protection measures to be implemented for watercourses and lakes in the logging area.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 916.9 [936.9, 956.9] – Protection and Restoration in Watershed with Threatened or Impaired Values

- The adoption of specific requirements, in addition to existing district Forest Practice Rules, which shall apply in any planning watershed with threatened or impaired values.
- These requirements address, but are not limited to:
 - Total Maximum Daily Loads
 - Cumulative adverse watershed effects on anadromous salmonids
 - Timber operations adjacent to Class I and II watercourses
 - Class I WLPZ limitations
 - Winter period operations
 - Soil erosion control
 - Site preparation activities
 - Water drafting
 - Salvage logging
 - Nonstandard practices
- A provision exempting those plans which are subject to an incidental take permit based upon an approved HCP that addresses anadromous salmonid protection.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 916.11 [936.11, 956.11] – Effectiveness and Implementation Monitoring

- The Director may require post-harvest evaluation of the effectiveness of mitigations and practices proposed to protect watercourses and lakes.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 916.12 [936.12, 956.12] – Section 303(d) Listed Watersheds

- Departmental requirements which apply to those waterbodies listed pursuant to 303(d) of the Federal Clean Water Act for limited water quality:
 - Conduct or participate in further watershed assessment or analysis.
 - Participate in the development of TMDL problem assessment, source assessments of load allocations related to timber operations.
 - If existing rules are insufficient, develop recommendations for watershed specific practices.
 - Where deemed appropriate, recommend the adoption of watershed specific rules.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 923.3 [943.3, 963.3] – Watercourse Crossings

- The addition of requirements addressing fish passage, design criteria, and culvert installation at watercourse crossings.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

14 CCR § 923.9 [943.9, 963.9] – Roads and Landings in Watersheds with Threatened or Impaired Values

- The adoption of specific requirements, in addition to existing district Forest Practice Rules, which shall apply in any planning watershed with threatened or impaired values.
- These requirements address, but are not limited to:
 - Road design and construction
 - Landing design and construction
- A provision exempting those plans which are subject to an incidental take permit based upon an approved HCP that addresses anadromous salmonid protection.
- The inclusion of a provision to sunset these modifications on December 31, 2000.

REVIEW TEAM COMPOSITION, 2000

14 CCR § 1037.3 – Agency and Public Review

- Requires that a filed plan be transmitted to the Department of Conservation, Division of Mines and Geology, in addition to other departments and agencies currently listed.

14 CCR § 1037.5 – Review Teams to Be Established

- Adds the Department of Conservation, Division of Mines and Geology to those agencies specified for inclusion on interdisciplinary review teams.

14 CCR § 1090.17 – Agency and Public Review for the NTMP

- Requires that a filed plan be transmitted to the Department of Conservation, Division of Mines and Geology, in addition to other departments and agencies currently listed.

14 CCR § 1092.16 – PTHP Review Inspection-Filing Return

- Requires that the Department notify the Department of Conservation, Division of Mines and Geology and extend an invitation to attend the preharvest inspection if the Department determines such an inspection is needed.

14 CCR §1092.18 Agency and Public Review for the PTHP

- Requires that a filed plan be transmitted to the Department of Conservation, Division of Mines and Geology, in addition to other departments and agencies currently listed.

14 CCR § 1092.27 – Report Minor Deviations

- Requires that a proposed plan deviation be transmitted to the Department of Conservation, Division of Mines and Geology, in addition to other departments and agencies currently listed.

3. Regulatory Modifications Effective August 24, 2000

On July 25, 2000, the Office of Administrative Law approved numerous regulatory modifications to a rule package approved and submitted by the Board. This package addressed the procedures for notification of a disciplinary action. (14 CCR §1612.2) Unlike the Forest Practice Rules, modifications to 14 CCR §1600 *et seq.* (Registration of Professional Foresters) become effective thirty days following filing with the Secretary of State. These modifications became effective on August 24, 2000.

Brief summaries of the approved modifications are shown below. These summaries are provided to inform RPFs of those regulatory changes in a cursory way, and are not intended to be authoritative. Barclay's Official California Code of Regulations has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose. Unofficial underline/strikeout versions of the modifications may be found in the Appendix of this issue.

NOTIFICATION OF DISCIPLINARY ACTION, 2000

14 CCR § 1612.2 – Notification of Disciplinary Action

- Adds new language previously contained in Board Policy Number 4 for Professional Foresters Registration, addressing the level of public notification following the resolution of a disciplinary case involving a RPF.
- Adds new language allowing a media release under specific circumstances.

4. Regulatory Modifications Proposed for January 1, 2001

On September 12 and 13, 2000, the Board of Forestry and Fire Protection approved proposed regulatory modifications in the form of four rules packages, and has submitted them to the Office of Administrative Law for final approval. On October 3, 2000, the Board approved one additional package. These packages pertain to: plan submitter, RPF and LTO responsibilities (14 CCR § 1035 *et seq.*), the extension of the Lake Tahoe Basin Exemption rules (14 CCR § 1038), the extension of the recently implemented watershed (threatened and impaired) protection rules (14 CCR § 895.1 *et seq.*), the Lake County Scenic Corridors (14 CCR § 945 *et seq.*), and the inclusion of CALWATER 2.2 planning watershed numbers (14 CCR § 925.4 *et seq.*). It is anticipated that these modifications will be approved and become effective on January 1, 2001.

Brief summaries of the approved modifications are shown below. These summaries are provided to inform RPFs of those regulatory changes in a cursory way, and to afford

advanced planning for timber harvesting plans that may be submitted after January 1, 2001. Be advised that the proposed rule language is subject to non-substantive changes and may vary slightly in its final form. Unofficial underline/strikeout versions of the modifications may be found in the Appendix of this issue, and are not intended to be authoritative. Barclay's Official California Code of Regulations has been certified by the Office of Administrative Law as the official publication of the State of California for this purpose.

PLAN SUBMITTER, RPF AND LTO RESPONSIBILITIES, 2000

14 CCR § 1035 – Plan Submitter Responsibility

- The plan submitter will be required to retain a RPF throughout active timber operations to provide professional advice to the LTO and timberland owner, as requested.
- New provisions allow the plan submitter to waive the RPF retention requirement under certain conditions.
- All agreements and authorizations associated with the above changes must be submitted to the Director for inclusion in the plan.

14 CCR § 1035.1 – Registered Professional Forester Responsibility

- The RPF must state whether he or she has been retained to provide professional advice throughout the timber operations.
- The RPF must disclose potential conflicts of interest to the real party of interest who has retained that RPF.
- The retained RPF, or their designee, must be present on the logging area at a sufficient frequency to know the progress of operations and advise the LTO and timberland owner.
- The retained RPF must notify the LTO of mitigation measures contained in the plan that must be adhered to, to avoid the “high likelihood” of significant harm resulting from operations.
- The RPF must promptly notify the LTO, the plan submitter, and the Department of a decision to withdraw professional services from the plan.

14 CCR §1035.3 – Licensed Timber Operator Responsibilities

- Shall sign the plan and major amendments to the plan, agreeing to abide by the terms and specifications of the plan.
- Shall keep the responsible RPF advised of the status of timber operation activity.
- Shall notify the responsible RPF within five days prior to the start-up of operations.
- Shall notify the responsible RPF within five days prior to the shut-down of operations which exceed a weekend.
- Shall cease operations upon receipt of a notice of responsible RPF withdrawal, with certain exceptions.

14 CCR § 1037 – THP Preharvest Inspection-Filing Return

- If known at the time, the LTO who will operate on the plan shall be invited to attend the preharvest inspection.

14 CCR § 1092.11 – PTHP Submitter Responsibility

- Shall retain a RPF to provide professional advice to the LTO throughout active operations.
- Shall document and provide a copy to the Director of all agreements and authorizations under 14 CCR § 1035(d)(2).
- Disclose to the LTO, in the field, information related to archeological and historical sites prior to the start of operations, if requested by the RPF.

14 CCR § 1092.12 – Registered Professional Forester Responsibility

- Shall state whether or not they have been retained to provide professional advice.
- Shall disclose current potential conflicts of interest to the real party of interest, and new potential conflicts as they may arise.
- The retained RPF, or their designee, must be present on the logging area at a sufficient frequency to know the progress of operations and advise the LTO and timberland owner.
- The retained RPF must notify the LTO of mitigation measures contained in the plan that must be adhered to, to avoid the high likelihood of significant harm resulting from operations.
- The RPF must promptly notify the LTO, the plan submitter, and the Department of a decision to withdraw professional services from the plan.

14 CCR § 1092.14 – Licensed Timber Operator Responsibilities

- Shall sign the plan and major amendments to the plan, agreeing to abide by the terms and specifications of the plan.
- Shall not be required to possess, or have on the site of operations, any confidential addenda to the plan.
- If unable to attend the on-site meeting relative to archeological issues, shall be responsible for obtaining this information from specific named parties of interest.
- Shall keep the responsible RPF advised of the status of timber operation activity.
- Shall notify the responsible RPF within five days prior to the start-up of operations.
- Shall notify the responsible RPF within five days prior to the shut-down of operations which exceed a weekend.
- Shall cease operations upon receipt of a notice of responsible RPF withdrawal, with certain exceptions.

14 CCR § 1092.16 – PTHP Review Inspection-Filing Return

- Requires that the Department notify the LTO (if known) and extend an invitation to attend the preharvest inspection if the Department determines such an inspection is needed.

TAHOE EXEMPTION EXTENSION, 2000

14 CCR § 1038 – Exemption

- The expiration date that applies to subsection (f) of this rule was modified from January 1, 2001 to December 31, 2002.

WATERSHED PROTECTION EXTENSION, 2000

14 CCR §§ 895.1, 898, 898.2, 914.8 [934.8, 954.8], 916 [936, 956], 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11 [936.11, 956.11], 916.12 [936.12, 956.12], 923.3 [943.3, 963.3] and 923.9 [943.9, 963.9]

- The expiration date that applies to these sections was modified from December 31, 2000 to December 31, 2001.

LAKE COUNTY SCENIC CORRIDOR RULES, 2000

14 CCR § 945 – Lake County Rules

- Provides for Lake County rules, in addition to those that currently apply in the Northern Forest District.

14 CCR § 945.1 – Statement of Purpose

- To identify and protect visual and aesthetic sites within the Scenic Combining District (SCD).
- To provide direction to the RPF, LTO and Department relative to plans in Lake County.

14 CCR § 945.3 – Timber Harvest Prescriptions

- Only the selection regeneration method and commercial thinning shall be used in the SCD.
 - Group selection shall not be used.
- Logging roads, tractor roads and landings in the SCD shall be screened from direct view to the extent feasible.
- A minimum of 25% of the pre-harvest hardwood basal area shall be retained in the SCD.
- A second harvest shall not occur within ten years following completion of the initial harvest, with exceptions.

14 CCR § - Hours of Operation

- Within 300 feet of occupied dwellings, hours of operation shall be restricted to 7:00 a.m. to 7:00 p.m. during non-holiday weekdays, with exceptions.

14 CCR § 945.5 Exempt and Emergency Notice Operations

- Exemptions and Emergency Notices pursuant to 14 CCR §§ 1038, 1104.1, and 1052 may be conducted.
- When feasible, such operations should be conducted in a manner consistent with limitations described in other sections of the Lake County rules.

CALWATER NUMBER INCLUSION, 2000

14 CCR § 925.4 – Contents of the Plan (Santa Clara County)

- CALWATER 2.2 planning watershed number(s), the USGS Quadrangle name(s) and number(s) must also be included in the description of the plan area within which timber operations are to be conducted.

14 CCR § 927.2 – Contents of Plan (Marin County)

- CALWATER 2.2 planning watershed number(s), the USGS Quadrangle name(s) and number(s) must also be included in the description of the plan area within which timber operations are to be conducted.

14 CCR § 1034 – Contents of Plan

- CALWATER 2.2 planning watershed number(s), the USGS Quadrangle name(s) and number(s), and the assessor's parcel number(s) must also be included in the description of the plan area within which timber operations are to be conducted.
 - Note: Parcel number(s) were previously optional.

14 CCR § 1090.5 – Contents of NTMP

- CALWATER 2.2 planning watershed number(s), the USGS Quadrangle name(s) and number(s), and the assessor's parcel number(s) must also be included in the description of the plan area within which timber operations are to be conducted.
 - Note: Parcel number(s) were previously optional.

14 CCR § 1092.09 – PTHP

- The description of the area of the PTHP on which timber operations will be conducted on must include:

- USGS Quadrangle name(s) and date(s).
- Township, range and section number(s).
- County name(s).
- CALWATER 2.2 planning watershed number(s)
- Approximate acreage.
- Assessor's parcel number(s) are optional.

5. Board Re-Approves Policies for RPFs

At the October 4, 2000 meeting, the Board of Forestry and Fire Protection re-approved the ten existing Board Policies for Registered Professional Foresters. These policies are subject to periodic review and modification, and shall remain in force until December 31, 2004. The majority of the approved modifications were grammatical in nature, as well as for the purposes of clarity. Several modifications were adopted to reflect regulatory changes as well as changes in procedure instituted by the Professional Foresters Examining Committee. A copy of the re-approved policies, using strikeout and underline to indicate approved modifications, may be found in the appendix of this issue. The final approved version may be downloaded from the Professional Foresters Registration website at: <http://www.fire.ca.gov/bof/licensing>, or is available in hardcopy upon request.

Briefly, those changes in policy which were approved by the Board include:

Policy Number 4 – Public Notice of Disciplinary Action

With the incorporation of the contents of this policy into regulation on August 24, 2000 (ref: 14 CCR §1612.2), this policy was rendered moot. To that end, the PFEC recommended the deletion of all previously existing language, retaining the policy header itself as a placeholder in the event that a future policy is deemed necessary.

Policy Number 8 – Handling of a Complaint (Disciplinary Process) for RPFs

- Under the subsection “Peer Review”, the provision allowing key people (complainant/respondent) to testify directly before the PFEC was deleted. The deletion was based on advice of PFEC counsel, who voiced concerns relative to due process and confidentiality issues.
- Under the subsection “Board Actions from Hearings Findings”, the description of the process was clarified to more accurately reflect the requirements of Government Code §11500 *et seq.*
- A revised flowchart titled “Complaint Against RPF” was incorporated.
- A new flowchart titled “License Suspension or Revocation” was incorporated to depict the procedure described under Government Code §11500 *et seq.*

Policy Number 10 – Review of Probationary Work Products

This policy was modified to more accurately reflect that other professional documents, in addition to timber harvesting plans, may be subject to probationary review following a disciplinary action.

II. CDF and Resource Agency Activities

1. Monitoring Study Group Update

Year 2000 has been a significant one for the Monitoring Study Group (MSG). The MSG was made an official Board of Forestry and Fire Protection (BOF) Advisory Committee at the January meeting. Meetings are now officially noticed and advertised using a BOF mailing list. Also, in January, the MSG's Strategic Plan was adopted by the BOF. Major components of the program in the plan include: 1) continuation of the existing Hillslope Monitoring Program—evaluating 50 THPs per year, 2) incorporation of the Modified Completion Report monitoring process, 3) development of selected monitoring projects that can answer key questions regarding forest practice implementation and effectiveness, and 4) development of scientifically valid monitoring plans in 303(d) listed waterbodies, along with cooperative watershed monitoring projects in selected basins for long-term instream trend monitoring. The MSG met in February, June, July, September, and plans to meet next on November 14th. Summaries of significant projects follow.

Last year, the MSG presented a detailed report to the BOF on its Hillslope Monitoring Program (HMP), with data summarized from 150 THPs evaluated from 1996 to 1998. The full report is located on the BOF webpage under General Information. Briefly, data collected has shown that roads and their associated crossings have the greatest potential for sediment delivery to watercourses. Problems were identified at about 40% of the evaluated crossings. Common deficiencies included fill slope erosion, culvert plugging, scour at the outlet, and diversion potential. Similarly, a number of road-related rule requirements had poor implementation ratings, but had less impact on water quality than poorly implemented crossing Rules. Road Rules most frequently cited for poor implementation were waterbreak spacing and the size, and number and location of drainage structures. For both roads and crossings, implementation of FPRs that specify design, construction, and maintenance were found to require improvement. Erosion problems noted on randomly selected skid trails and landings were much less frequent and produced much lower impacts to water quality. Average canopy and ground cover (greater than 70 and 85%, respectively) remaining following harvesting in WLPZs was found to exceed Rule requirements. Erosion events originating from current timber operations in WLPZs were found to be rare. Overall, erosion problems related to timber operations were almost always associated with improperly implemented Rule requirements.

R.J. Poff and Associates collected hillslope monitoring data on 50 randomly selected THPs throughout the state again this spring and summer. Problem points continue to be most commonly associated with watercourse crossings, with a lesser number found on road segments. Ordinarily, little harvesting was found in WLPZ zones, particularly on large industrial ownerships. Class III watercourses were evaluated this year and few major problems were noted. Fewer large erosion events were noted this year, perhaps due to a lack of extreme runoff events that cause catastrophic crossing failures, as well as the fact that a higher proportion of the THPs were on small non-industrial ownerships.

CDF has made significant progress retooling its Modified Completion Report (MCR) monitoring process. MCRs are an extension of the normal timber harvest inspections and Completion Reports that CDF is required to do on Timber Harvesting Plans (THPs) under the California Forest Practice Act and the Forest Practice Rules (FPRs). MCRs will be done at the time of THP completion and during the erosion control maintenance period. The

objective of the MCR is to audit the implementation and/or effectiveness of Forest Practice Rules and THP mitigations that are specifically designed to protect water quality and riparian and aquatic habitat. CDF envisions sampling a random selection of 25% of THPs each year. THPs will be evaluated for: 1) WLPZ canopy/width and erosion features, 2) implementation of FPRs related to erosion control features on roads and design and construction of watercourse crossings during the Work Completion Report, and 3) initial effectiveness of the same features after at least one overwintering period during the Erosion Control Maintenance Period.

The MCR WLPZ canopy measurement method systematically samples randomly located 200 foot reaches of Class I or II watercourses with 50 points shot with a sighting tube. The road sampling procedure is patterned after that used in the HMP and yields a randomly located 1000 foot transect. The same form is used for rating implementation during the Completion Report process and initial effectiveness during the erosion control maintenance inspection. Similarly, the watercourse crossing procedure is analogous to the HMP process, and two randomly located crossings are rated for implementation and initial effectiveness as described above for roads. Field testing occurred during the summer and the full program is expected to start this fall following training sessions for Forest Practice Inspectors throughout the state.

The final report on the Garcia River Instream Monitoring Project is nearly complete. Teri Barber, working for the Mendocino County RCD, has almost finished a second draft of the report for CDF. This project began in 1996 as MSG's pilot project to assess current conditions and collect baseline information to begin assessing long-term instream trend data. It was conducted in two phases, the first being a watershed assessment and instream monitoring plan (IMP) (1997), and the second--implementation of the IMP (1998-1999). Twelve subbasins were monitored; parameters measured included: water temperature, bulk gravel samples, gravel permeability, LWD, channel cross-sections, thalweg profiles, riparian canopy and shading, sediment transport corridors, a spawning survey, and to a very limited degree, turbidity. Five separate contractors implemented the sampling for these parameters. Four plots were established for the 12 tributary reaches, with plot length defined by bankfull width.

CDF is developing a MSG webpage that will be located off of the BOF webpage. The goal for the site is to have the following sections: 1) general information on the MSG and MSG Strategic Plan, 2) MSG Monitoring Forms and Instructions (HMP and MCR), 3) MSG supported monitoring reports (26—with most available on-line), 4) a list of general monitoring and monitoring related references applicable to California (with links to websites where available), and 5) a list monitoring related websites (Fish, Farm and Forests Communities Forum, NRCS, Redwood Sciences Lab, etc.). For more information on the MSG, contact Pete Cafferata at (916) 653-9455 or pete_cafferata@fire.ca.gov.

2. 2000 Year to Date THP Summary

TIMBER HARVESTING INFORMATION THROUGH SEPTEMBER 2000

Note: The numbers are the cumulative totals for the calendar year as of the specified date.

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	Santa Rosa		Redding		Riverside		Fresno		Total	
YEAR COMPARISON	00	99	00	99	00	99	00	99	00	99
THPS RECEIVED	379	416	229	248	1	1	78	82	687	747
THPS REJECTED FOR FILING (RETURNED)	143	182	50	25	0	0	26	5	219	212
PREHARVEST INSPECTIONS	296	285	191	281	0	0	60	46	547	612
THPS WITH NON-CONCURRENCE	3	23	0	0	0	0	0	0	3	23
THPS APPROVED	311	402	198	206	1	0	63	69	573	677
THPS MITIGATED BEFORE APPROVAL (%)	98%	NO DATA	90%	NO DATA	100%	NO DATA	82%	NO DATA	93%	NO DATA
THPS DENIED	0	0	0	0	0	0	1	0	1	0
ACREAGE IN APPROVED THPS	39,041	37,331	72,245	70,742	181	0	10,270	8,314	121,737	116,387
EMERGENCY NOTICES	10	4	143	82	0	0	9	6	162	92
EXEMPTION NOTICES	703	688	1,163	1,040	19	3	440	384	2,325	2,115
NONINDUSTRIAL TMPS RECEIVED	61	44	8	5	0	0	5	10	72	59
NTMPS RECEIVED ACRES	40,336	23,291	8,418	1,773	0	0	3,823	6,866	47,746	31,930

3. 2000 Fire Season Summary

2000: LARGE FIRES
300 Acres and Greater

RANGER UNIT	FIRE NAME	DATE		ORIGIN	ACRES BURNED			VEG. TYPE	CAUSE	STRUCTURE		FATALITIES	
		START	CONT.		CDP	OTHER	TOTAL			DEST.	DAM.	FIRE	CIVIL
Mendocino NF	Town	03/31/00		USFS		1,500	1,500		escape control				
Mendocino NF	Calhoun	04/01/00		USFS		1,840	1,840		?				
Mendocino NF	Franklin	04/02/00		USFS		400	400		?				
Lassen NF	Rabiosa	04/05/00	04/05/00	USFS		500	500		?				
Mesa County	Assist (Azusa)	05/28/00	06/01/00	USFS		740	740		Campfire	na	na	na	na
Tulare	Elephant	06/01/00	06/01/00	CDP	497		497	G	Control Burn	0	0	0	0
Inyo NF (Montezuma)	Crystal	06/05/00		USFS		330	330		Lightning				
Los Angeles	Dry	06/06/00		USFS		356	356		Under Invest				
Ventura	Calabasas	06/11/00	06/11/00	CC		800	800		Under Invest				
Butte	Larkin	06/13/00	06/13/00	CDP	475		475	G	Under Invest	0	0	0	0
Napa	Berryessa	06/13/00	06/16/00	CDP	5,731		5,731	WB	Equip. Use	15	5	0	0
Tulare	Lindsay	06/18/00	06/18/00	CDP	400		400	G	Arson	0	0	0	0
Ventura	Telegraph	06/26/00	06/26/00	CC		400	400		Equip. Use				
Tulare	Richgrove	06/28/00	06/28/00	CDP	450		450	G	Elec. Power	0	0	0	0
San Diego (exp002 in)	Barnett	06/29/00	06/30/00	CDP	2,000		2,000		Under Invest				
Mariposa	Granite	07/02/00	07/04/00	CDP	2,000		2,000	WB	Shooter	0	0	0	0
Stanislaus NF (Alone)	Amodi 2	07/03/00	08/05/00	USFS		780	780		Lightning				
San Bernardino	Circa	07/03/00	07/04/00	CDP	600		600	G	Under Invest	0	0	0	0
San Bernardino	Assist (Morgan)	07/07/00	07/08/00	USFS		300	300		Under Invest	na	na	na	na
Tulare	Success	07/09/00	07/09/00	CDP	320		320	W	Arson	0	0	0	0
Lassen	Goat	07/17/00	07/20/00	CDP	1,084		1,084	T	Campfire	0	0	0	0
Siskiyou	Bark	07/21/00	07/26/00	USFS		1,715	1,715		Under Invest				
San Luis Obispo	Shel	07/22/00		USFS		5,300	5,300		Under Invest				
Monterey	Pinehill #2	07/22/00	08/03/00	USFS		5,830	5,830		Under Invest	1			
Inyo fire #168	Haggy	07/22/00		RLM		5,500	5,500		Under Invest	3			
Tulare	Mander	07/24/00	08/09/00	USFS		74,439	74,439		Under Invest	15	1		
San Diego	Buckman	07/24/00		USFS		300	300		Under Invest				
Santa Clara	Patterson	07/26/00	07/27/00	CDP	432		432	G	Undetermined	0	0	0	0
Siskiyou	Corp. #13	07/26/00	07/26/00	CDP	813		813	G	Railroad	0	0	0	0
Lake-Napa	Morgan	07/26/00	07/27/00	CDP	3,283		3,283	W	Undetermined	2	0	0	0
Riverside	State (Pachenga)	07/28/00	08/06/00	CDP	3,642		3,642	R	Under Invest	1	0	0	0
Mesa County	Golden 1	08/01/00	08/08/00	RLM		2,150	2,150	na	Lightning	1	na	na	na
Kern County	Chance	08/01/00	08/06/00	CC		1,200	1,200		Lightning				
Kern County	King	08/01/00	08/06/00	CC		3,243	3,243	GB	Lightning	1			
Nevada (State)	Redrock	08/01/00		RLM		1,500	1,500		Lightning		?		
Kern County	Peak	08/02/00		CC		300	300		Lightning				
Placer	Drivers	08/02/00	08/04/00	CDP	380		380	W	Under Invest	0	0	0	0
San Benito	Northfork	08/03/00	08/07/00	CDP	1,736		1,736		Equip. Use				
Yolo	Winters	08/03/00	08/03/00	CDP	380		380	G	Undetermined	2	1	0	0
Inyo NF	Sawmill	08/03/00	08/03/00	USFS		350	350	na	Lightning	na	na	na	na
Calaveras	Parrots	08/05/00	08/06/00	CDP	700		700	GB	Undetermined	0	0	0	0
Merced	Romero	08/09/00	08/09/00	CDP	1,200		1,200		Undetermined	0	2	0	0
Fresno	Highway	08/13/00	08/17/00	CDP	700		700	GB	Arson	0	0	0	0
Shasta	Union	08/14/00	08/15/00	CDP	350		350	GW	Equip. Use	4	0	0	0
Pumas	Storie	08/17/00	08/09/00	USFS		55,261	55,261		Railroad				
Siskiyou	Corp. #15 (Coolley)	08/17/00	08/17/00	CDP	600		600	G	Railroad	0	0	0	0
San Luis Obispo	Bloch	08/21/00	08/21/00	CDP	463		463	G	Undetermined	0	0	0	0
Mariposa	Hunter	08/27/00	08/04/00	CDP	8,084		8,084	GB	Equip. Use	8	0	0	0
Fresno	PKU 9369	08/30/00	08/31/00	LOCAL		300	300	G	Undetermined	0	0	0	0
Riverside fire#1454	Black Ranch	08/28/00	08/10/00	CDP	475		475		Shooting				
Orange	TRW Fire	08/30/00		CC		480	480		Under Invest				
Santa Barbara	Harris	08/30/00	08/18/00	CC		9,700	9,700	R	Under Invest				
San Diego	Lucas	08/30/00	08/14/00	USFS		400	400		Arson				
Los Angeles	Paradise	08/30/00	08/13/00	CC		427	427		Under Invest				
Los Angeles	Yucca	08/30/00	08/14/00	CC		868	868		Under Invest				
Butte	Cascade	08/30/00	08/22/00	CDP	1,835		1,835		Equip. Use	26	5	0	1
						0							
						0							
						0							
						0							
TOTALS					38,610	177,389	215,999			77	27	0	1

III. Federal Issues

1. ESA Status of West Coast Salmonids














Endangered Species Act Status of West Coast Salmon & Steelhead

Updated: June 25, 2000

Species/ESU* Status	[E = Endangered, T = Threatened, na = N/A]	Next Steps
Pink Salmon	<p>Listed: None</p> <p>Not Warranted: 1) Even-year ESU (1995) 2) Odd-year ESU (1995)</p>	
Coho Salmon	<p>Listed: 1) Central CA ESU (T - 10/95) 2) Southern OR/Northern CA Coastal ESU (T - 9/97) 3) OR Coast ESU (T - 8/98)</p> <p>Candidates: 1) Puget Sound/Strait of Georgia ESU (T/96) 2) Lower Columbia River/Southwest WA ESU (T/95)</p> <p>Not Warranted: 1) Olympic Peninsula ESU (T/95)</p>	> Complete listing assessments for candidate ESUs.
Chinook Salmon	<p>Listed: 1) Sacramento River Winter-run ESU (E - 1/94) 2) Snake River Fall-run ESU (T - 4/92) 3) Snake River Spring/Summer-run ESU (T - 4/92) 4) Puget Sound ESU (T - 3/99) 5) Lower Columbia River ESU (T - 3/99) 6) Upper Willamette River ESU (T - 3/99) 7) Upper Columbia River Spring-run ESU (E - 3/99) 8) Central Valley Spring-run ESU (T - 9/99) 9) CA Coastal ESU (T - 8/96)</p> <p>Candidates: 1) Central Valley Fall and Late Fall-run ESU (9/96)</p> <p>Not Warranted: 1) Upper Klamath-Trinity Rivers ESU (3/98) 2) OR Coast ESU (3/98) 3) WA Coast ESU (3/98) 4) Mid-Columbia River Spring-run ESU (3/98) 5) Upper Columbia River Summer/Fall-run ESU (3/98) 6) Southern OR and Northern CA Coastal ESU (9/99) 7) Deschutes River Summer/Fall-run ESU (9/98)</p>	<p>> Develop 4(d) rules for Central Valley Spring-run & CA Coastal ESUs.</p> <p>> Complete listing assessments for candidate ESUs.</p>
Chum Salmon	<p>Listed: 1) Hood Canal Summer-run ESU (T - 3/98) 2) Columbia River ESU (T - 3/98)</p> <p>Not Warranted: 1) Puget Sound/Strait of Georgia ESU (3/98) 2) Pacific Coast ESU (3/98)</p>	
Sockeye Salmon	<p>Listed: 1) Snake River ESU (E - 11/91) 2) Coos Bay Lake ESU (T - 3/99)</p> <p>Not Warranted: 1) Baker River ESU (3/98) 2) Okanogan River ESU (3/98) 3) Lake Wenatchee ESU (3/98) 4) Quinalt Lake ESU (3/98) 5) Lake Pleasant ESU (3/98)</p>	
Steelhead	<p>Listed: 1) Southern CA ESU (E - 8/97) 2) South-Central CA Coastal ESU (T - 8/97) 3) Central CA Coastal ESU (T - 8/97) 4) Upper Columbia River ESU (E - 8/97) 5) Snake River Basin ESU (T - 8/97) 6) Lower Columbia River ESU (T - 3/98) 7) CA Central Valley ESU (T - 3/98) 8) Upper Willamette ESU (T - 3/99) 9) Middle Columbia River ESU (T - 3/99) 10) Northern CA ESU (T - 8/98)</p> <p>Candidates: 1) Klamath Mountains Province ESU (3/98) 2) OR Coast ESU (3/98)</p> <p>Not Warranted: 1) Southwest WA ESU (8/96) 2) Olympic Peninsula ESU (8/96) 3) Puget Sound ESU (8/96)</p>	<p>> Develop 4(d) rule for Northern CA ESU.</p> <p>> Complete listing assessments for candidate ESUs.</p>
Coastal Cutthroat Trout	<p>Proposed Listings: 1) Southwestern WA/Columbia River ESU (T - 8/99)</p> <p>Candidates: 1) Oregon Coast ESU (4/99)</p> <p>Not Warranted: 1) Puget Sound ESU (4/99) 2) Olympic Peninsula ESU (4/99) 3) Upper Willamette River ESU (4/99) 4) Southern OR/CA Coastal ESU (4/99)</p>	NOTE: This species is now under the jurisdiction of the U.S. Fish and Wildlife Service.

* An Evolutionarily Significant Unit or "ESU" is a distinctive group of Pacific salmon or steelhead.

2. Endangered Species “Box Score”

BOX SCORE						
Listings and Recovery Plans as of April 30, 2000						
GROUP	ENDANGERED		THREATENED		TOTAL LISTINGS	U.S. SPECIES W/ PLANS**
	U.S.	FOREIGN	U.S.	FOREIGN		
 MAMMALS	63	251	9	16	339	47
 BIRDS	77	176	15	6	274	76
 REPTILES	14	65	22	14	115	30
 AMPHIBIANS	10	8	8	1	27	12
 FISHES	68	11	44	0	123	90
 SNAILS	20	1	11	0	32	20
 CLAMS	61	2	8	0	71	45
 CRUSTACEANS	18	0	3	0	21	12
 INSECTS	30	4	8	0	42	27
 ARACHNIDS	6	0	0	0	6	5
ANIMAL SUBTOTAL	367	518	128	37	1,050	364
 FLOWERING PLANTS	565	1	139	0	705	528
 CONIFERS	2	0	1	2	5	2
 FERNS AND OTHERS	26	0	2	0	28	28
PLANT SUBTOTAL	593	1	142	2	738	558
GRAND TOTAL	960	519	270	39	1,788*	922

TOTAL U.S. ENDANGERED: 960 (367 animals, 593 plants)
 TOTAL U.S. THREATENED: 270 (128 animals, 142 plants)
 TOTAL U.S. LISTED: 1,230 (495 animals***, 735 plants)

*Separate populations of a species listed both as Endangered and Threatened are tallied once, for the endangered population only. Those species are the argali, chimpanzee, leopard, Stellar sea lion, gray wolf, piping plover, roseate tern, green sea turtle, saltwater crocodile, and olive ridley sea turtle. For the purposes of the Endangered Species Act, the term “species” can mean a species, subspecies, or distinct vertebrate population. Several entries also represent entire genera or even families.
 **There are 530 approved recovery plans. Some recovery plans cover more than one species, and a few species have separate plans covering different parts of their ranges. Recovery plans are drawn up only for listed species that occur in the United States.
 ***Nine animal species have dual status in the U.S.

IV. RPFs and CRMs

1. RPF Examination Results

The first RPF examination of 2000 took place on April 21, 2000. Of the 37 applicants taking the examination, 15 (41%) were successful. Congratulations to those who passed! The Board of Forestry and Fire Protection approved the following as Registered Professional Foresters at its July 2000 meeting:

Mark J. Pawlicki	RPF #2680	Heather K. Schur	RPF #2681
Matt Etzenhouser	RPF #2682	Martin D. Powers	RPF #2683
Jared J. Tappero	RPF #2684	Cassady B. Vaughan	RPF #2685
Benjamin C. Rowe	RPF #2686	Julie M. Lucas	RPF #2687
Andrew C. Juska	RPF #2688	James A. Strong	RPF #2689
Michael J. Powers	RPF #2690	Danielle L. Lindler	RPF #2691
Greg W. Roberson	RPF #2692	Michael E. Wyhlidko	RPF #2693
Kevin L. O'Hara	RPF #2694		

2. CRM Approvals

On July 13, 2000, the Board approved the following individuals for state certification as Certified Rangeland Managers:

Kenneth W. Tate	CRM #79	Lynn Huntsinger	CRM #80
Royce E. Larsen	CRM #81		

3. Condolences

For those of you who have not heard, some of our fellow RPF's have passed away since the last issue of *Licensing News*. Our sympathy to the family and friends of each.

Raymond G. Knox	RPF #1464	Ronald C. Hoover	RPF #984
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4. Lost in the Woods

The following RPFs have moved and not notified us of their new addresses as required by section 1606, Title 14, California Code of Regulations (14CCR). If you know of their whereabouts, contact Foresters Licensing or have them contact us at (916) 653-8031.

Thomas A. Hoots	RPF #504	George Cadzow	RPF #536
Thomas Mehl, III	RPF #1540	Jon M. Sheppard	RPF #1663

5. The New Millennium Ranger: New Challenges are Changing Foresters

The following article appeared in "California Trees", and is reprinted with the permission of California ReLeaf. The author is Jane Braxton Little, a freelance writer based in Plumas County.

Forget the regulation caulked boots and plaid flannel shirts. Forget the rough-hewn shy guys who come alive in the solitude of the backwoods. Today's foresters are as apt to wear Rockports and sweater vests, and to feel as at home presiding over a town hall meeting as hiking up a timbered hillside. And when it comes to the expertise required by this new breed of foresters, diplomacy and conflict resolution are as important as species identification and board footage estimates. Welcome to the world of urban forestry.

"Foresters can no longer live life in a pickup truck with a dog, alone all day in the woods. The people are coming and we've got to learn how to deal with them," says Doug Nickles, an urban forester with the City of Glendale.

The changes for forestry are driven by a population explosion and dramatic shifts in land use. By the year 2025, the nation's population is projected to expand to nearly 338 million people – an increase from 1999 of more than 62.5 million people. California alone is expected to have nearly 49.3 million residents, a whopping increase of more than half a million people a year.

Along with doubling and tripling the size of cities, these newcomers are moving into the rural areas once dominated by deep woods and open meadows. The number of forest owners nationwide is increasing by around 150,000 a year. As a result, the average size of each timbered area is plummeting. By the end of the decade, 95 percent of the nation's private forestland's will be less than 100 acres – too small for the traditional forest management techniques to be effective.

As America expands into the backwoods, foresters are being forced to reassess their mission and hone new skills. They are looking beyond the trees to entire landscapes, weighing how natural resources in general relate to new subdivisions and deteriorating downtowns, and how each specific change will affect ecosystems upstream and down. The professionals once characterized as introverts are now faced with the garrulous politicians who ultimately make the decisions that effect the management of natural resources.

The urban foresters still have to know how to plant a tree in the ground. But they also have to know how to manage a community's trees as a forest and address a city council. "It's kind of frightening," says Nickles. "We have to talk to someone who talks back."

The challenge is more than talking to politicians. The ongoing loss of forests to development is bringing new players into an arena once dominated by foresters. If they are to have any trees to manage into the future, foresters today need to transcend traditional barriers among disciplines. Along with policy makers, they need to reach planners, public works directors, and budget analysts.

And they need to be where the decisions are made, a move that takes them from the woods to city centers. "The real excitement is downtown," says Phillip Rodbell, a coordinator of urban and community forest programs for the U.S. Forest Service.

In the past, when a forestland was converted to other uses, foresters tended to turn their backs, write it off and find another forest, he says. That is a dinosaur-like response that could drive them into extinction. If foresters do not get involved in land conversion decisions, they will soon have nothing to manage but the buffers between developed lands, Rodbell says.

Fortunately for the trees, many new foresters are meeting the challenge. They are embracing the challenges of land use by going downtown – if not in droves, at least in sufficient numbers to begin to make a difference.

Take Drew Potocki, a graduate of the University of Michigan forestry program. Potocki left the midwestern pulpwood industry looking for more of a challenge. He found it in San Diego, a sparsely canopied metropolis where Potocki is the first urban forester.

In the first four years since his appointment to the new post, Potocki has waged a public relations campaign for trees. In addition to promoting their value and the value of planting the right tree in the right place, Potocki has had to reverse some negative attitudes towards trees resulting from poor choices made in the past. The work has pinned him in board and conference rooms. “Some days I don’t touch anything but a pen,” Potocki says.

Nickles, the Glendale urban forester, is also a long way from the traditional forest work he trained for. He graduated from Humboldt State University in 1979, a peak era in the training for industrial forestry. He was prepared to become licensed as a California Registered Professional Forester. Like most of his fellow foresters, Nickles assumed he would devote his career to marking trees to become sawlogs and managing stands back to harvest conditions.

Instead, he is working in a city of 200,000 residents in southern California as an urban fire forester. He develops fire-safe plans on a landscape scale, spending his days dealing with people and public policy, not pine trees.

Both Nickles and Potocki are playing critical roles at a critical time for forests. Communities across the country are making decisions that will determine how – and whether – trees and other natural resources are a part of their futures. Foresters must be at the table. And they’d better be prepared to discuss variances, rights-of-way, building codes, and municipal ordinances, says Linda Romero, a southern California urban forester with the California Department of Forestry and Fire Protection (CDF).

Resource management is what all foresters do, but those working in the urban arena are increasingly faced with economics, demographics, and politics of planning for the future of fast-paced communities. They are being asked to view trees as a part of the municipal infrastructure and to make plans that have nothing to do with the next timber harvest.

“Forestry is no longer about marking trees or even preserving a piece of wetland in a pristine area forever and ever. We’re looking at multiple uses. We have to be more creative with limited space,” Romero says.

The skills required by urban foresters draw on horticulture as well as traditional forestry. Tree selection, planting, pruning, and disease diagnosis are among the areas that require continued proficiency. But managing a population of trees through decades requires vision

beyond the daily dilemmas of individual trees. Urban foresters have responsibility for ecosystems that include neighborhood communities as well as street trees, shaded parking lots, and parks.

As foresters shift their focus to the broad spectrum of natural resource management, they are assuming more and more leadership responsibility. It is no longer enough to respond to questions from elected officials about why and where to plant trees, says Bruce Hagen, CDF's urban forester in northern California. Urban foresters understand the beneficial role trees play in protecting air and water quality. Beyond that, they understand the contribution forests make to aesthetics, community pride, and the quality of life. That puts them in a unique position to influence policy makers.

It's a new and challenging role, and it's not always easy. Many of those elected to city councils and county boards of supervisors are not familiar with the concept of an urban forest, let alone what it can do for their community, says Hagen. Foresters are left with the demanding task of not only providing information but presenting it in a way to influence the discussion. They are in a position to help shape the future of urban areas, but they must do it through persuasion. "Biologists and foresters can come up with solutions but politicians make the decisions," Hagen says.

Universities across the county have responded to the new demands on foresters with programs designed for the urban arena. Many are blending traditional forestry programs with horticulture to create urban forestry curricula. At California Polytechnic State University in San Luis Obispo, forestry students take classes in sociology and computerized geographic information systems as well as fire ecology and street tree pruning. Dispute resolution and conflict management are required courses in the urban forestry minor, says Norman Pillsbury, head of Cal Poly's Natural Resources management Department.

The program is trying to get students to look beyond individual tree issues to ecological vegetation management plans for an entire city. "Our goal is sustainable forest management for cities," Pillsbury says.

The program boasts an 86 percent job placement rate – at least 30 percent higher than the national average. Urban foresters working at the municipal level can generally expect to earn between \$40,000 to \$75,000 a year depending on experience and location. Cal Poly does not have enough urban forestry students to meet demand, says Pillsbury. "Jobs go begging every year," he says.

Public agencies also recognize the need for this breed of foresters. The California Department of Forestry launched a formal program in the 1980s. Although it is still a fledgling, the urban forestry program aims to help city and county planners acquire the personnel and tools they need to make better decisions about trees under their jurisdiction, says Hagen.

Public agencies need to adapt to meet the changing needs of forest owners, whether they are municipalities or gentlemen farmers, says Joe Felder, forest management chief for the state of South Carolina. Aesthetics, wildlife, and recreation are now important land-management components. "As foresters, we either have to adapt or find something else to do. You learn pretty quickly that fiber-based forestry is not what this is all about," Felder says.

The U.S. Forest Service is rich with opportunity for urban foresters. In the next five years,

nearly 60 percent of the post-World War II career foresters will retire, says Rodbell, the agency's northeastern urban forest program coordinator. Many who are leaving are in districts that are now predominantly urban. The new hires should have a more balanced background and possess skills in working with land developers, homebuilders, planners, and elected officials. "We need entrepreneurial, aggressive people willing to cross traditional boundaries and look holistically at the landscape," Rodbell says.

While opportunities in urban forestry abound, the real need is for superior managers. "Anyone can learn the techniques in two to four weeks, but it's difficult to find a forester with the leadership skills of a mayor," Rodbell says.

The rapid pace of change in cities makes the field of urban forestry uniquely challenging. Streets, parks, and housing developments can transform almost overnight but a tree can endure for 200 years or more. The challenge is creating an urban environment where foresters must plan for the long terms but be prepared for a complete reversal with the next election.

In San Diego, Drew Potocki is cautiously optimistic. He had helped incorporate a street tree selection guide into the city code and helped create a land development code that requires new projects to plant trees. Potocki's proudest achievement is the creation of the San Diego Tree Advisory Board, which meets monthly to discuss both immediate and long-term issues of urban forestry. "For San Diego, that's monumental," he says.

V. Professional Foresters Examining Committee

1. Professional Foresters Examining Committee: January through June 2000

The Professional Foresters Examining Committee met four times in the first six months of 2000. Issues which the PFEC has addressed, and continues work on, include:

Review of RPF examination questions – Several committee members voiced the concern that questions contained in the recent RPF examinations may not accurately reflect the subject areas as prescribed in 14 CCR §1640.3. To that end, a list of definitions of the ten subject areas mandated for examination questions was prepared and discussed. It was decided that there was a need for new questions that better reflect the required subject areas. At the suggestion of the Executive Officer, the recent contract for Expert Examiner incorporated a requirement that the examiner submit five new RPF exam questions within the next two years. At the direction of the PFEC, the Executive Officer also prepared and posted a contract bid package for RPF exam question writer. This contract would require individual(s) to submit five questions, including appropriately referenced answers, in any or all of five of the following subject areas:

- Forest Ecology
- Forest Resources Management
- Forest Administration
- Forest Economics
- Silviculture

The bid opening for this contract occurred on June 23rd and resulted in two responsive bids, both in the area of Forest Resources Management. The PFEC continues to explore other avenues to increase the pool of questions for future RPF examinations.

Interactions between the public and RPFs - PFEC recognized that the public needs to be better informed relative to what a licensed forester does, when one is needed, what the expectations of the consumer should be, and what recourse they have through the disciplinary process. A subcommittee of the PFEC is preparing a draft of a publication tentatively titled: "What Landowners should know about Timber Harvesting in California". This publication will be focused on those landowners contemplating, or involved in, forestland management who do not have an ongoing relationship with a RPF. Proposed topics will include:

- Forest management strategies
- RPFs
- Their role in California
- How to secure the services of a RPF
- Tax considerations
- Extensive appendix of further references

Review of the PFEC disciplinary procedure – The Committee reviewed the timeline and manner in which RPF complaints are handled to assure consistency with past practice. Further discussion centered on making the complaint process more "user friendly" to the public who are unaware of the disciplinary procedure. The Committee also discussed the merit and appropriateness of allowing the complainant and/or respondent to appear before the PFEC in closed session to testify relative to a specific case. It was the advice of the Deputy Attorney General who provides legal counsel to the PFEC that allowing the appearance of the complainant and/or respondent in a case would be ill advised.

Input to HSU relative to Forestry Department faculty – The Committee was made aware of three upcoming vacancies at Humboldt State University following the retirements of Dr. Sibley, Jager and Yee. There was concern that the school was considering filling these positions by way of temporary appointments. The Committee voted to send a letter to HSU President McCrone expressing its concern and stressing the importance of maintaining both the high caliber of the current program as well as continued accreditation by the Society of American Foresters. It was further suggested that the college make an effort to secure faculty members familiar with forest management and the role of the RPF in California. A copy of this letter was forwarded to both state and national professional forestry organizations.

RPF Examination – The PFEC and the Executive Officer for Foresters Licensing prepared and administered the April 2000 RPF examination to 37 applicants at four locations.

Potential RPF infractions under SB 621 – At the request of the Board, the PFEC has undertaken a review of specific sections under 14 CCR in which the routine issuance of an infraction to a RPF would be appropriate. It is the intent to offer input for the Board's consideration and incorporation into final rule language and /or policy. This topic will continue to be discussed at Committee meetings this fall.

USFS Memorandum of Understanding – Discussion with Region 5 (California) of the US

Forest Service relative to the appropriateness of the existing Memorandum of Understanding has continued. The Forest Service has expressed its commitment to resolve the issue, has declined to repudiate the existing document, and agreed that the existing MOU is still in force until such time as it is modified by mutual agreement of both parties. The PFEC and Board voiced their concern over proposed modifications submitted by USFS on January 19, 2000. In response, the Forest Service has committed to further revisions and submissions. Since that time, the PFEC and Board have not received any further correspondence from the Forest Service.

Regulatory Activity – The modifications to 14 CCR §1612.2 (Notification of Disciplinary Action) proposed by the PFEC, were adopted by Board on May 1, 2000. The modifications were approved by the Office of Administrative Law on July 25th, and became effective on August 24, 2000.

Status of RPF Licensing Cases YTD – Seventeen cases were carried over from the previous years, and ten new cases were brought to the attention of the PFEC in the first six months of 2000. Seventeen cases were resolved between January and July. Licensing case dispositions YTD are summarized as follows:

Disciplinary Action	
Revocations (stipulated)	1
Suspension & probation (stipulated)	1
Suspension & probation (Board action)	1
BOF Private Reprimand	0
PFEC Letter of Concern	1
Exoneration	7
Notice of requirements to be licensed, cases combined with other actions, or referred to CDF for LTO review.	5
Referred to DA for potential criminal prosecution	<u>1</u>
Total 2000 YTD:	17

The bases for recent disciplinary actions included:

- Conviction of a felony as defined in PRC §778(a)
- Numerous archeological failings
- Failure to properly delineate WLPZ – subject of previous cases against the same RPF
- Failure to clearly flag THP boundary – allegation of trespass

Current RPF Statistics

Registered Professional Foresters

Valid	1415
Withdrawal	111
Suspended	<u>2</u>
Total	1528

Certified Rangeland Managers

Valid	<u>76</u>
Total	76

2. The Role of the CDF Forest Practice Inspector: Registered Professional Forester versus Peace Officer

The issue periodically arises, from both state and private foresters, as to the role assumed by Department of Forestry and Fire Protection forest practice inspectors during the review and inspection of timber harvesting activities. Specifically: When does the Department forester serve in the role of a Registered Professional Forester and when are the actions of this individual the result of the exercise of peace officer discretion? In the event of professional failure, when acting in the role of a Registered Professional Forester, the individual is subject to the standards and discipline of the Board of Forestry and Fire Protection. (Public Resources Code §750 *et seq.*) In the role of an enforcement officer, that same individual is subject to the standards and discipline of the Department as well as subject to the considerations afforded by the Peace Officer's Bill of Rights. (Government Code §3300 *et seq.*)

Effective last year, all Foresters with the Department of Forestry and Fire Protection are required to possess a valid license as a Registered Professional Forester. To facilitate the implementation of resource protection laws, those individuals enforcing the Forest Practice Rules receive training, and upon successful completion, are delegated law enforcement powers in the form of either a peace officer or public officer. Thus, within the timber harvesting plan approval and inspection process, these individuals serve distinct roles as both a licensed professional as well as a law enforcement officer.

Unfortunately, there is not always a black and white distinction as to when these roles diverge, and if one role is to the exclusion of the other. In that every situation is different, this article does not attempt to delineate a hard line, rather only serves as a brief guide to the various shades of gray.

In the timber harvesting plan process, the submitted document is first reviewed by the interdisciplinary team and then usually followed by a review in the field. In this situation, the Department forester's role is *primarily* that of a Registered Professional Forester. The evaluation of proposed operations both in terms of clarity of documentation, appropriateness and feasibility in the field clearly falls within the criteria of "...consultation, investigation [and] evaluation..." contained in Public Resources Code §753. Similarly, the Department forester must draw from his/her professional knowledge in the formulation of recommendations and mitigations that may arise following the field review and prior to final approval.

Following plan approval and the commencement of operations, in many cases that same individual is called upon to evaluate the operations specified in the plan in terms of compliance with the rules and regulations which govern those actions. In this role, the forester assumes the *primary* role of an enforcement officer. In this situation, the forester is focused on determining if the action performed in the field complies with applicable law.

In many cases, this will be a black and white decision: Is the proposed road grade located as per the approved plan? In other cases, there may be shades of gray and a need for the individual to draw upon professional forestry expertise: Does the post-harvest WLPZ canopy

meet shade retention standards? In both of these cases, as a peace officer, the Department forester is afforded the discretion as to whether or not to cite a violation of the applicable rule, to issue a warning, a citation, or recommend the initiation of a civil proceeding. While the Department forester may be held accountable for failure as a RPF in the event of a notable departure from professional forestry standards, in the light of coincident discretionary law enforcement powers, this failure may be difficult to establish to a clear and convincing degree.

The ability and responsibility of the Department forester to initiate an enforcement action is primarily a function of a duty to the Department, as well as a sworn duty as a peace/public officer. Conversely, the ability and responsibility to correctly evaluate a situation in the context of professional forestry, prior to an enforcement action, is primarily a function of a responsibility and duty to the citizens of California by virtue of holding a professional license.

On occasion the PFEC is called upon to make a determination as to which role prevails in conjunction with a disciplinary action initiated against a Department forester. This determination is rarely easy. Each situation is unique and the Committee has been unable to establish a simple guideline that applies in every situation, to determine whether a potential professional failure falls within the realm of professional practice or peace officer discretion.

If a RPF has a complaint against a Department RPF that involves professional differences of opinion, RPFs are encouraged to discuss the matter with the Department RPF and/or his/her immediate supervisor. If such differences of professional opinion cannot be settled with the employee or his/her immediate supervisor, then the RPF should request a review of the circumstances surrounding the professional difference of opinion with the next senior RPF in the Department employee's chain of command. This might be the employee's immediate supervisor's superior or a region or Sacramento resource management representative. Completion of Department's "Citizen Complaint Form" (LE-95) for professional differences of opinion is not required, however, the filing of such a form is not precluded.

Similarly, if the Department forester believes that an area of professional expertise may be exceeded in a given situation, he/she is advised to obtain additional direction and guidance from other Department RPFs prior to initiating an enforcement action.

3. Disciplinary Actions

CASE NUMBER:

243

Allegation:

The complaint alleged that the RPF had fraudulently modified surveys conducted to determine the presence of a federally protected species, as well as failing to observe established protocols. (14 CCR §919.11) Further it was alleged that the RPF failed to adequately supervise harvest operations which were subsequently cited for numerous watercourse and road-related violations occurring during the winter period. (14 CCR

1035.1(a))

Discipline:

The PFEC's investigation and evaluation determined that the allegations related to the federally protected species occurred over five years prior to the initiation of the complaint.

As such, these allegations were beyond the applicable statute of limitations related to disciplinary actions. (PRC §776) The investigation additionally determined that the respondent was not the RPF of record during the time period when the harvesting violations occurred. While the respondent was shown as being responsible for the conduct of timber operations under Item #5 of the THP (14 CCR §1034(d)), it was determined that this designation was a result of the plan submitter failing to file a timely amendment to remove the respondents name. It was determined that the respondent had no responsibilities for oversight of harvesting operations during the period in which the violations occurred.

As a result, it was the recommendation of the PFEC that the RPF be **exonerated** relative to the allegations filed.

VI. Announcements

1. Francis H. Raymond Award

Request for Nominations:

2001 FRANCIS H. RAYMOND AWARD

The California State Board of Forestry and Fire Protection is seeking nominations for the **2001 Francis H. Raymond Award**. The annual award is given to the individual(s), organization, agency or company who has contributed the most to the management and increased awareness of California's forested resources over the past five years.

The award is named in honor of Francis H. Raymond, former State Forester and leading advocate of the passage of Assembly Bill 469 in 1972, which resulted in the Professional Foresters Licensing Law.

The 2000 Award was presented to two RPFs: Sherman Finch and Ronald Adams, both of the Sacramento area. These individuals were recognized for their work at the Forestry Center at Cal Expo during the California State Fair. Their ongoing work in demonstrating all facets of forestry and forest management to the citizens of California serves as the only exposure many people have to professional forestry. Their work in conducting tours of the Center for fourth graders in the Sacramento area, as well as their involvement in the profession following retirement from long careers, was also noted. Board of Forestry and Fire Protection acting chair Stan Dixon presented the Award to Adams and Finch at the Forestry Center on August 24, 2000.

Previous recipients of the Award include: The Quincy Library Group, Frank Barron of Crane Mills, Tad Mason of Pacific Wood Fuels, the late Gil Murray of the California Forestry Association, Kay Antunez of the Project Learning Tree program, Gary Nakamura of UC Cooperative Extension, Bud McCrary of Big Creek Lumber Company, Andy Lipkis of TreePeople, Norm Pillsbury of Cal Poly San Luis Obispo, John Zivnuska of UC Berkeley, Ray Rice of the US Forest Service, Peter Passof of UC Cooperative Extension, Roseburg Resources Company, the Redwood Region Conservation Council, Jim Jenkinson of the US Forest Service, and Nancy Inmon of the Trees Are For People program.

Nominations are due to the Board of Forestry by **December 15, 2000**, with the selection being made by the nomination review committee in February, and the Award to be presented at a ceremony in the summer of 2001.

Additional information may be obtained from the **California State Board of Forestry and Fire Protection, P.O. Box 944246, Sacramento, CA 94244-2460**. Contributions to endow the Francis H. Raymond Award are greatly appreciated. The stipend that accompanies this Award depends on the interest earned from donations made to the Francis H. Raymond Fund.



2000 Francis H. Raymond Award recipients: Ronald S. Adams and Sherman J. Finch.

NOTICE

Examination For Registration of Professional Foresters

FRIDAY, APRIL 20, 2001 - 8:00 A.M.

Eureka, Redding, Sacramento, Santa Rosa and Riverside are set locations, and other locations will be set up as the need indicates.

DEADLINE FOR FILING

FEBRUARY 2, 2001

SCOPE OF THE EXAMINATION

The examination will test the applicant's understanding of the significant concepts in the working knowledge of 1) Forest Economics, 2) Forest Protection, 3) Silviculture, 4) Forest Management 5) Forest Engineering, 6) Forest Administration, 7) Forest Ecology, 8) Forest Mensuration, 9) Forest Policy, 10) Short Answer.

EXAMINATION PROCEDURE

The examination will consist of two parts, each three and a half hours in length. The first part will run from 8:30 a.m. until 12:00 noon, and the second part will run from 1:00 p.m. until 4:30 p.m. on APRIL 20, 2001.

In the morning, the applicant will be required to answer a short answer segment and two out of four essay questions. In the afternoon, the applicant will be required to answer three out of five essay questions. No extra credit will be granted for answering extra questions.

An average grade of 75% or more will be necessary for a passing grade.

Pocket calculators and a pen with black ink will be permitted. No other materials or aids will be allowed in the examination room.

Note: The application fee is \$200.00 and non-refundable.

QUALIFICATIONS

The applicant for registration as a Professional

Forester must:

- (A) Be of good moral character and have a good reputation for honesty and integrity.
- (B) Furnish evidence of having completed seven years of experience in forestry work.
- (C) Successfully complete an examination as prescribed by the Board of Forestry and Fire Protection.

Possession of a Bachelor of Science degree with a Major in Forestry will be deemed equivalent to four years of experience in the actual practice of forestry work. (A bachelor's degree not in forestry plus a Master of Forestry degree will be deemed the equivalent of a B.S. on forestry.)

At least three of the seven years of experience shall include having charge of forestry work, or forestry work under the supervision of a person registered, or qualified for, but exempt from, registration. Work completed prior to July 1, 1973, shall qualify if it was under the supervision of a qualified forester. The award of a Master of Forestry degree will be acceptable as evidence of one year of such qualifying experience.

Some forestry-related degrees, in addition to those specified above, will be accepted pursuant to Title 14, California Code of Regulations, §1621.4 in lieu of the required experience. If education is to be substituted for experience, the applicant must order a certified transcript sent to the Board office from the college or university.

The applicant must meet the minimum qualifications as of the date when the application is submitted.

Applications and detailed information on qualifying experience and education may be obtained from Professional Foresters Registration, 1416 9th Street, Room 1506-16, P.O. Box 944246, Sacramento, California 94244-2460. Phone (916) 653-8031. Questions from the last 6 exams will be provided upon payment of \$8.00.

Examinations are given twice each year, in April and October.

Deadline For Filing Applications For This Examination

Friday, FEBRUARY 2, 2001

On and after July 1, 1973, it shall be unlawful for any person to act in the capacity of, or to use the title of, a professional forester without being registered pursuant to this article, unless exempted from the provisions thereof. (Section 766, Public Resources Code.)

3. Farm Advisor – Livestock/Natural Resources Job Announcement

**UNIVERSITY OF CALIFORNIA
COOPERATIVE EXTENSION
FARM ADVISOR – LIVESTOCK / NATURAL RESOURCES
Solano, Napa & Yolo Counties
#ACV 00-04**

The UNIVERSITY OF CALIFORNIA, DIVISION OF AGRICULTURE & NATURAL RESOURCES, COOPERATIVE EXTENSION is seeking a career-track academic candidate to address the research & educational needs for the producers in Solano, Napa & Yolo Counties. Conduct a viable Extension education and on-farm applied research program focusing on range and natural resource management to the livestock industry in Solano, Napa & Yolo Counties. Assure outreach and diversity efforts in development and delivery of programs. Requires a minimum of a Master's Degree in range management with knowledge and experience in livestock production. Advanced degrees in ecology or watershed management will be considered. Demonstrated knowledge of Extension educational methodologies is essential. Demonstrated ability to conduct issue-focused research; ability to teach effectively. Beginning salary in the CE Assistant Advisor rank (\$36,900-\$41,200). **For complete Position Vacancy Announcement and required application, visit our Internet site: <http://www.uckac.edu/danrcvr/cvrstaff.htm> or contact: Cindy Inouye, UC Cooperative Extension, Central Valley Region, 9240 S. Riverbend Ave., Parlier, CA 93648; email: cinouye@uckac.edu or call (559) 646-6535. For full consideration, complete application packets must be received by October 31, 2000; open until filled. Refer to position #ACV 00-04. AA/EOE.**

VII. Continuing Education

1. Continuing Education

DATE	PROGRAM	SPONSOR/LOCATION	CONTACT
2000			
October 25	PROFESSIONAL TIMBER CRUISING	Atterbury Consultants, Inc. Beaverton, OR	J. Aschenbach 503-646-5393
October 25-27	ADVANCED VARIABLE PROBABILITY SAMPLING	Oregon State University Corvallis, OR	Conference Asst. 541-737-2329
October 27	ROAD STEWARDSHIP WORKSHOP	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
October 27	TMDL PROGRAM IN CALIFORNIA	UC Berkeley Extension	510-642-4111

	RIVERS	San Francisco, CA	
November 1-2	LOG SCALING FOR TIMBER CRUISERS	Atterbury Consultants, Inc. Beaverton, OR	J. Aschenbach 503-646-5393
November 3	IMPLEMENTING CALIFORNIA DFG PROGRAMS: OVERVIEW OF THE CESA AND STREAMBED ALTERATION AGREEMENTS	UC Davis Extension Davis, CA	800-752-0881
November 6-8	THE BASICS OF ACCURATE FOREST LAND APPRAISAL – PRECISELY!	Oregon State University Tualatin, OR	Conference Asst. 541-737-2329
November 8	WATER AND ECOSYSTEM MANAGEMENT ASSESSMENT METHODS	UC Berkeley Extension Berkeley, CA	510-642-4111
November 8	GPS IN FORESTRY	Atterbury Consultants, Inc. Beaverton, OR	J. Aschenbach 503-646-5393
November 15	EROSION CONTROL AND LAND RESTORATION	UC Davis Extension Davis, CA	<u>800-752-0881</u>
November 16-17	ANNUAL MEETING	California Forest Pest Council Sacramento, CA	David Wood Bigwood@nature.berkeley.edu
November 16-20	NATIONAL CONVENTION	SAF Washington, D.C.	301-897-8720
November 27	MANAGING WATERSHEDS IN THE NEW CENTURY	Watershed Management Council Monterey, CA	Rick Kattelman 760-935-4903
December 1	ANNUAL RPF EXAMINATION PREPARATION SEMINAR	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
December 3	WESTERN FORESTRY CONFERENCE	Western Forestry & Conservation Association	Freida 888-722-9416
December 6-7	INTRODUCTION TO ARCVIEW APPLICATIONS IN NATURAL RESOURCES	Oregon State University Corvallis, OR	Conference Asst. 541-737-2329
December 13	NEPA OVERVIEW AND REFRESHER	UC Davis Extension Davis, CA	800-752-0881

December 13-14	ADVANCED ARCVIEW GIS APPLICATIONS IN NATURAL RESOURCES	Oregon State University Corvallis, OR	Conference Asst. 541-737-2329
2001			
January 8-12	NATURAL RESOURCES COMMUNICATION WORKSHOP	Western Section of the Wildlife Society Chico, CA	Dr. Jon Hooper 530-898-5811
January 9-10	FORESTRY INVENTORY AND GIS	SAF: AI Inventory Working Group Portland, OR	Richard Zabel 888-722-9416
January 19-20	NORCAL SAF WINTER MEETING	NorCal SAF Sacramento, CA	Bill Keye 530-365-9172
March 1	SPRING WORKSHOP: TBA	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323
March 2-3	ANNUAL CONFERENCE: TBA	California Licensed Foresters Association Sacramento, CA	Hazel Jackson 209-293-7323

2. Forestry Publications

California Forestry

Regional Assessment of Stream Temperatures Across Northern California and their Relationship to Various Landscape-Level and Site-Specific Attributes. T.E. Lewis et al. 2000. 420 p. Forest Science Project, Humboldt State University Foundation, Arcata, CA 95521.

General Forestry

Forest Research Laboratory Biennial Bibliography, 1996-1998. J.D. Starnes, comp. 1999. 78 p. Oregon State University, Forest Research Lab. 227, Corvallis, OR 97331.

Management of Nonindustrial Private Forestlands: Survey Results from Western Oregon and Washington Owners. R.L. Johnson et al. 1999. 39 p. Oregon State University, Forest Research Lab. 277, Corvallis, OR 97331. Research Contribution 28.

Toward Sustainable Forest Management: Part I – Certification Programs. P.S. Cook et al. 1999. 85 p. Idaho Forestry, Wildlife and Range Policy Analysis Group, College of Natural Resources, University of Idaho, Moscow, ID 83844. Report 18.

The Forest Stewardship Program: Status Report. 2000. 19 p. USDA Forest Service, NE Area State and Private Forestry, 11 Campus Boulevard, Suite 2000, Newton Square, PA 19073.

North American Test of Criteria and Indicators of Sustainable Forestry. S. Woodley et al. 2000. 175 p. USDA Forest Service, Inventory and Monitoring Institute, 240 West Prospect Road, Fort Collins, CO 80526. Report 3.

Fire

The Effects of Thinning and similar Stand Treatments on Fire Behavior in Western Forests. R.T. Graham et al. 1999. 27 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-463.

Environmental Effects of Postfire Logging: Literature review and Annotated Bibliography. J.D. McIver et al., technical editors. 2000. 72 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-486.

Improving Firefighter Safety in the Wildland-Urban Intermix. R.J. Mangen. 2000. 14 p. USDA Forest Service, Technology and Development Center, Fort Missoula, MO 59801. 0051-2811-MTDC.

Forest Economics

Evaluation of Cut-to-Length Commercial Thinning Systems with Manual Felling and Processing. P. Meek et al. 1999. 6 p. FERIC, 580 Boulevard Saint-Jean, Pointe Claire, Quebec H9R 9Z9, Tech. Note TN-288.

Skyline Thinning Production and Costs: Experience from the Willamette Young Stand Project. L.D. Kellogg et al. 1999. 33 p. Oregon State University, Forest Research Lab. 277, Corvallis, OR 97331. Research Contribution 21.

Production, Prices, Employment, and Trade in Northwest Forest Industries, Fourth Quarter 1997. D.D. Warren. 1999. 130 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. Resource Bulletin PNW-RB-230.

Timber Harvesting, Processing, and Employment in the Northwest Economic Adjustment Initiative Region: Changes and Economic Assistance. T.L. Raettig et al. 1999. 16 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-465.

An Analysis of PILT-related Payments and Likely Property Tax Liability of Federal Resource Management Lands. 1999. USDA Forest Service, Rocky Mountain Research Station, Fort Collins, CO General Technical Report RMRS-GTR-36WWW. (Available only on the Web at: <http://www.fs.fed.us/rm>).

Forest Ecology

Early Growth Characteristics of Planted Deerbrush and Greenleaf Manzanita Seedlings in California. P.M. McDonald et al. 1998. 6 p. USDA Forest Service, PSW Research Station, P.O. Box 245, Berkeley, CA 94701, research Note PSW-RN-422.

Influence of Stream Characteristics and Grazing Intensity on Stream Temperatures in Eastern Oregon. S.B. Maloney et al. 1999. 19 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-459.

Geologic and Tributary Influences on the Chemistry of a Headwater Stream. A.C. Wooten et al. 1999. 7 p. USDA Forest Service, NE Research Station, 359 Main Road, Delaware, OH 43015. Research Paper NE-708.

Estimating Snag and Large Tree Densities and Distributions on a Landscape for Wildlife Management. L.J. Bate et al. 1999. 76 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-425.

Northern Spotted Owl Effectiveness Monitoring Plan for the Northwest Forest Plan. J. Lint et al. 1999. 43 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. General Technical Report PNW-GTR-440.

Protecting and Restoring Watersheds: A Tribal Approach to Salmon Recovery. M. Hollenbach et al. 1999. 89 p. Columbia River Inter-Tribal Fish Committee, 729 NE Oregon, Suite 200, Portland, OR 97232.

Scale Considerations and the Detectability of Sedimentary Cumulative Watershed Effects. 1999. 327 p. NCASI, P.O. Box 13318, Research Triangle Park, NC 27709. Technical Bulletin 776.

Forest Entomology and Pathology

Common Insects and Diseases of Coastal Douglas-Fir. 1999. British Columbia Ministry of Forestry, 2100 Labieux Road, Nanaimo, BC V6T 6E9.

Forest Utilization and Engineering

Factors Affecting Equipment Productivity in Commercial Thinning. P. Meek. 1999. 10p. FERIC, 580 Boulevard Saint-Jean, Pointe Claire, Quebec H9R 9Z9. Technical Note TN-285.

Forest Products Laboratory Research Program on Small-Diameter Material. 1998.

11 p. USDA Forest Service Forest Products Lab., 1 Gifford Pinchot Drive, Madison, WI 53705. General Technical Report FPL-GTR-110.

Reduction of Trail Density in a Partial Cut with a Cut-to-Length System. S.M. Sambo. 1999. 12 p. FERIC, 580 Boulevard Saint-Jean, Pointe Claire, Quebec H9R 9Z9. Technical Note TN-293.

Three GPS-Based Aerial Navigation Systems for Forestry Applications. R.D. Reynolds. 1999. 2 p. FERIC, 580 Boulevard Saint-Jean, Pointe Claire, Quebec H9R 9Z9. Technical Note TN-297.

Small-Area Forestry Equipment. B. Beckley et al. 1999. 38 p. USDA Forest Service Technology and Development Center, Fort Missoula, MT 59801. 9924-2820-MTDC.

Mensuration

Measuring and Monitoring Plant Populations. C.L. Elzinga et al. 1998. 477 p. USDI Bureau of Land Management, BC-650 B, P.O. Box 25047, Denver, CO 80225. BLM Technical Reference 1730-1. \$39.

Foresters' Metric Conversions Program (Version 1.0). A.J. Palmer. 1999. 1 disk. USDA Forest Service, NW Research Station, 359 Main Road, Delaware, OH 43015. General Technical Report NE-260.

Height-Diameter Equations for Six Species in the Coastal Regions of the Pacific Northwest. M.L. Hanus et al. 1999. 11 p. Oregon State University, Forest Research Lab. 277, Corvallis, OR 97331. Research Contribution 25.

Predicting Height for Undamaged and Damaged Trees in Southwest Oregon. M.L. Manus et al. 1999. 22 p. Oregon State University, Forest Research Lab. 277, Corvallis, OR 97331. Research Contribution 27.

Measuring Light in the Forest. P. Comeau. 2000. 7 p. British Columbia Ministry of Forestry, P.O. Box 9519 Station Provincial Government, Victoria, BC V8W 9C2. Extension Note 42.

Silviculture

Comparative Effects of Precommercial Thinning, Urea Fertilizer, and Red Alder in a Site II, Coast Douglas-Fir Plantation. R.E. Miller et al. 1999. 25 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. Research Paper PNW-RP-513.

Six-Year Growth of Douglas-Fir Saplings after Manual or Herbicide Release from Coastal Shrub Competition. W.I. Stein. 1999. 55 p. USDA Forest Service, PNW Research Station, P.O. Box 3890, Portland, OR 97208. Research Paper PNW-RP-500.

Silviculture Practices for Riparian Forests in the Oregon Coast Range. B. Emmingham et al. 2000. 34 p. Oregon State University, Forest Research Lab. 277,

VIII. Appendix

1. Notification of Address Change

Per 14 CCR §1606: "...holders of a certificate of registration and license, shall notify the Board in writing at its Sacramento office **within ten days** of any address changes, giving both the new and old address."

The failure to maintain a correct mailing address results in returned mail and additional costs which must be borne by all RPFs. Additionally, if renewal notices and withdrawal reinstatement notifications are undeliverable, there is the potential for license revocation by the Board based on a failure to renew.

If you have moved, and have not done so yet, please fill out and return the change of address form below.

Name:

RPF#:

New Address (HOME):

Street:

City:

County:

State:

Zip:

Phone:

New Address (WORK):

Street:

City:

County:

State:

Zip:

Phone:

Former Address (HOME):

Street:

City:

County:

State:

Zip:

Phone:

Preferred Mailing Address: (circle one) Home Work

Email Address:

Signature: _____ Date: _____

3. PFEC Nomination Form

BOARD OF FORESTRY AND FIRE PROTECTION PROFESSIONAL FORESTERS EXAMINING COMMITTEE NOMINATION FORM

Please use a separate sheet for each nominee. Additional sheets are available upon request. Mail or FAX to: Board of Forestry and Fire Protection, PFEC Nomination, P.O. Box 944246, Sacramento, CA 94244. FAX (916) 653-0989.

1. Name of Nominee: _____
2. Nominee Address _____

3. Nominee Telephone: Work: (____) _____ Home:(____) _____
4. Category of Membership: (Public/RPF/Specialist) _____
5. Brief resume of the nominee's background and qualifications which qualify him/her for the Committee. (Attach additional sheets if needed)

6. Why do you think the nominee should be selected for the PFEC? _____

7. PRINT name of Nominator: _____
SIGNATURE of nominator: _____
8. Address of Nominator: _____

9. Telephone Number of Nominator: Work (____) _____ Home: (____) _____
10. Group you represent, if any: _____

3. Francis H. Raymond Nomination Instructions

FRANCIS H. RAYMOND AWARD

Suggested Nomination Format

THERE IS NO ESTABLISHED FORMAT FOR THE SUBMISSION OF NOMINATIONS. THE NOMINEES MUST AGREE TO THE SUBMISSION OF THEIR NAME FOR CONSIDERATION. BASED ON PREVIOUS SUCCESSFUL NOMINATIONS, THE FOLLOWING ITEMS ARE SUGGESTED FOR INCLUSION IN THE NOMINATION PACKET:

- A short introduction letter on nominator's letterhead.
- A narrative of the nominee's qualifications, educational background, work history and accomplishments. (The Award criteria dictates that the work of the past five years is the key to selection, irrespective of a long history of superior service or accomplishment)
- Letters of support from other individuals and organizations are important. A wide spectrum of support from diverse interests, including local politicians, has been a characteristic of previous successful nominees.
- Copies of newspaper or magazine articles on the nominee are key to supporting a nomination.
- Attach examples of the nominee's work and/or publications, if appropriate.
- Photographs may be helpful if they illustrate the extent of the nominee's dedication and accomplishment.
- **The key to the Award is effort above and beyond what is normally expected on the job.** Volunteer efforts, serving on committees, public service, etc., are important.
- The nomination committee requests the submission of **five** copies of the nomination packet. It is requested that all letters of support be included with the initial nomination, rather than submitted individually.

4. Forest Practice Rule Modifications Effective July 1, 2000

Protection for Threatened and Impaired Watersheds, 2000

Final Rule Language

Amend § 895 Abbreviations Applicable Throughout Chapter.

Note: The following five abbreviations may be added to this section in alphabetic order.

CDF California Department of Forestry and Fire Protection

DFG California Department of Fish and Game

HCP Habitat Conservation Plan

NMFS National Marine Fisheries Service

RWQOCB Regional Water Quality Control Board

Note: Authority cited: Sections 4551, 4551.5 and 21082, Public Resources Code. Reference: Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582 and 21080.5, Public Resources Code.

Amend § 895.1. Definitions.

Note: The following nine definitions may be added to this section in alphabetic order.

"Bankfull stage" means the stage that occurs when discharge fills the entire channel cross section without significant inundation of the adjacent floodplain, and has a recurrence interval of 1.5 to 2.0 years.

"Beneficial Functions of Riparian Zone" means the specific role of the riparian zone to provide protection for water temperature control, streambed and flow modification by large woody debris, filtration of organic and inorganic material, upslope stability, bank and channel stabilization and vegetative structure diversity for fish and wildlife habitat.

"Channel zone" means that area that includes a watercourse's channel at bankfull stage and a watercourse's floodplain, encompassing the area between the watercourse transition lines.

"Inner Gorge" means a geomorphic feature formed by coalescing scars originating from landsliding and erosional processes caused by active stream erosion. The feature is identified as that area situated immediately adjacent to the stream channel below the first break in slope.

"Saturated soil conditions" means 1) the wetness of the soil within a yarding area such that soil strength is exceeded and displacement from timber operations will occur. It is evidenced by soil moisture conditions that result in: a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, or b) inadequate traction without blading wet soil or, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I or II watercourse or lake. Soils frozen to a depth sufficient to support equipment weight are excluded. 2) soil moisture conditions on roads and landings, in excess of that which occurs from normal road watering or light rainfall that will result in the significant loss of surface material from the road and landings in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I or II watercourse or lake that site conditions are sufficiently wet that timber operations displace soils in yarding or mechanical site preparation areas or displace road and landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities that discharge into Class I, II, III, or IV waters, or in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements.

In yarding and site preparation areas, this condition may be evidenced by: a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I, II, III, or IV waters, or d) creation of ruts greater than would be normal following a light rainfall.

On logging roads and landing surfaces, this condition may be evidenced by a) reduced traction by equipment as indicated by spinning or churning of wheels or tracks in excess of normal performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV waters, d) pumping of road surface materials by traffic, or e) creation of ruts greater than would be created by traffic following normal road watering, which transports surface material to a drainage facility that discharges directly into a watercourse.

Soils or road and landing surfaces that are hard frozen are excluded from this definition.

"Stable operating surface" means that throughout the period of use, the operating surface of a logging road or landing does not either (1) generate waterborne sediment in amounts sufficient to cause a turbidity increase in downstream Class I, II, III, or IV waters that is visible or would violate applicable water quality requirements; or (2) channel water for more than 50 feet that is discharged into Class I, II, III, or IV waters.

"Watercourse or Lake Transition Line"

(a) for a watercourse with an unconfined channel (a channel with a valley to width ratio at bankfull stage of 4 or greater) means that line defined by the landward margin of the most active portion of the channel zone area readily identified in the field by:

(1) no soil development, and

(2) riparian vegetation dominated by riverine hardwoods and occasional conifers.

If field identification is ambiguous, identification of the 20-year flood stage would delimit this portion of the channel zone.

(b) for a watercourse with a confined channel means that line closest to the watercourse or lake where riparian vegetation is permanently established that is the outer boundary of a watercourse's 20-year return interval flood event floodplain. This outer boundary corresponds to an elevation equivalent to twice the maximum depth of the adjacent riffle at bankfull stage. The bankfull stage elevation shall be determined by field indicators and may be verified by drainage area/bankfull discharge relationships.

(c) for a lake, it is that line closest to the lake where riparian vegetation is permanently established.

"Watersheds with threatened or impaired values" means any planning watershed where populations of anadromous salmonids that are listed as threatened, endangered, or candidate under the State or Federal Endangered Species Acts with their implementing regulations, are currently present or can be restored.

Note: The following additional subsection shall be added to the very end of this section (14 CCR § 895.1) following all other rule language.

(1) The amendments to 14 CCR § 895.1 adopted on March 15, 2000 and April 4, 2000, which became effective July 1, 2000, shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Amend § 898 Feasibility Alternatives

After considering the rules of the Board and any mitigation measures proposed in the plan, the RPF shall indicate whether the operation would have any significant adverse impact on the environment. On TPZ lands, the harvesting per se of trees shall not be presumed to have a significant adverse impact on the environment. If the RPF indicates that significant adverse impacts will occur, the RPF shall explain in the plan why any alternatives or additional mitigation measures that would significantly reduce the impact are not feasible.

Cumulative impacts shall be assessed based upon the methodology described in Board Technical Rule Addendum Number 2, Forest Practice Cumulative Impacts Assessment Process and shall be guided by standards of practicality and reasonableness. The RPF's and plan submitter's duties under this section shall be limited to closely related past, present and reasonably foreseeable probable future projects within the same ownership and to matters of public record. The Director shall supplement the information provided by the RPF and the plan submitter when necessary to insure that all relevant information is considered.

When assessing cumulative impacts of a proposed project on any portion of a waterbody that is located within or downstream of the proposed timber operation and that is listed as water quality limited under Section 303(d) of the Federal Clean Water Act, the RPF shall assess the degree to which the proposed operations would result in impacts that may combine with existing listed stressors to impair a waterbody's beneficial uses, thereby causing a significant adverse effect on the environment. The plan preparer shall provide feasible mitigation measures to reduce any such impacts from the plan to a level

of insignificance, and may provide measures, insofar as feasible, to help attain water quality standards in the listed portion of the waterbody.

The Director's evaluation of such impacts and mitigation measures will be done in consultation with the appropriate RWQCB.

(a) The amendments to 14 CCR § 898 that became effective July 1, 2000 shall expire on December 31, 2000.

Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, and 4582.75, Public Resources Code; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Amend § 898.2 Special Conditions Requiring Disapproval of Plans

The Director shall disapprove a plan as not conforming to the rules of the Board if any one of the following conditions exist:

(a) Boundaries of the area to be harvested are not clearly delineated in the plan.

(b) Public acquisition of the parcel for purposes which would be impaired by timber harvesting, is legislatively authorized, funded and imminent.

(c) There is evidence that the information contained in the plan is incorrect, incomplete or misleading in a material way, or is insufficient to evaluate significant environmental effects. The sufficiency of the information provided in a THP to evaluate significant environmental effects shall be judged in light of what is reasonable and necessary.

(d) Implementation of the plan as proposed would result in either a "taking" or finding of jeopardy of wildlife species listed as rare, threatened or endangered by the Fish and Game Commission, the National Marine Fisheries Service, or Fish and Wildlife Service, or would cause significant, long-term damage to listed species. The Director is not required to disapprove a plan which would result in a "taking" if the "taking" is incidental and is authorized by a wildlife agency acting within its authority under state or federal endangered species acts.

(e) Implementation of the plan would irreparably damage plant species listed as rare or endangered by the Department of Fish and Game and when the timber owner fails to comply with F&GC 1913.

(f) Implementation of the plan as proposed would result in the taking of an individual Northern Spotted Owl prohibited by the Federal Endangered Species Act.

(g) Implementation of the plan as proposed would not achieve maximum sustained production of high quality timber products as provided for by the rules of the Board, and by the intent of the Act.

(h) Implementation of the plan as proposed would cause a violation of any requirement of an applicable water quality control plan adopted or approved by the State Water Resources Control Board.

(i) The amendments to 14 CCR § 898.2 that became effective July 1, 2000 shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4555 and 4582, Public Resources Code. Reference: Sections 2053, 2080.1, 2090-2097, 2830 and 2835, Fish and Game Code; Sections 4555, 4582.7 and 4582.75, Public Resources Code; Section 51115.1, Government Code; the federal Endangered Species Act of 1973, 16 U.S.C. et seq.; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Amend §§ 914.8, 934.8, and 954.8 Tractor Road Watercourse Crossing

Watercourse crossing facilities on tractor roads shall be planned, constructed, maintained, and removed according to the following standards:

(a) The number of crossings shall be kept to a minimum. Existing crossings locations shall be used wherever feasible.

(b) A prepared watercourse crossing using a structure such as a bridge, culvert, or temporary log culvert shall be used to protect the watercourse from siltation where tractor roads cross a watercourse in which water may be present during the life of the crossing.

(c) Crossing facilities on watercourses that support fish shall allow for unrestricted passage of all life stages of fish that may be present, and for unrestricted passage of water. Such crossing facilities shall be fully described in sufficient clarity and detail to allow evaluation by the review team and the public, provide direction to the LTO for implementation, and provide enforceable standards for the inspector.

(d) Watercourse crossing facilities not constructed to permanent crossing standards on tractor roads shall be removed before the beginning of the winter period. If a watercourse crossing is to be removed, it shall be removed in accordance with 14 CCR 923.3(d) [943.3(d), 963.3(d)].

(e) If the watercourse crossing involves a culvert, the minimum diameter shall be stated in the THP and the culvert shall be of a sufficient length to extend beyond the fill material.

(f) Consistent with the protection of water quality, exceptions may be provided through the Fish and Game Code and shall be indicated in the plan.

(g) The amendments to 14 CCR § 914.8 [934.8, 954.8] that became effective July 1, 2000 shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4551.5, and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4527, 4562.5, 4562.7, and 4582, Public Resources Code.

Amend §§ 916, 936, and 956 Intent of Watercourse and Lake Protection.

The purpose of this article is to ~~insure the protection of~~ ensure that the beneficial uses ~~that are derived from the physical form, water quality, and biological characteristics of watercourses and lakes, native aquatic and riparian species, and the beneficial functions of riparian zones are protected from potentially significant adverse site-specific and cumulative impacts associated with timber operations.~~

It is the intent of the Board to restore, enhance, and maintain the productivity of timberlands while providing equal consideration for the beneficial uses of water. Further, it is the intent of the Board to clarify and assign responsibility, ~~to recognize for recognition of potential and existing impacts of timber operations on the beneficial uses of water, watercourses and lakes, native aquatic and riparian-associated species, and the beneficial functions of riparian zones and to ensure adoption of feasible measures to prevent water pollution related to timber harvesting~~ effectively achieve compliance with this article. Further, it is the intent of the Board that the evaluations that are made, and the measures that are taken or prescribed, be documented in a manner that clearly and accurately represents those existing conditions and those measures. "Evaluations made" pertain to the assessment of the conditions of the physical form, water quality, and biological characteristics of watercourses and lakes, including cumulative impacts affecting the beneficial uses of water on both the area of planned logging operations and

in the Watershed Assessment Area (WAA). "Measures taken" pertain to the procedures used or prescribed for the restoration, enhancement, and maintenance of the beneficial uses of water.

All provisions of this article shall be applied in a manner, which complies with the following:

(a) During and following timber operations, the beneficial uses of water, native aquatic and riparian-associated species, and the beneficial functions of riparian zones shall be maintained where they are in good condition, protected where they are threatened, and insofar as feasible, restored where they are impaired.

(b) Protection of the quality and beneficial uses of water during the planning, review, and conduct of timber operations shall comply with all applicable legal requirements including those set forth in any applicable water quality control plan adopted or approved by the State Water Resources Control Board. At a minimum, the LTO shall not do either of the following during timber operations:

(1) Place, discharge, or dispose of or deposit in such a manner as to permit to pass into the waters of the state, any substances or materials, including, but not limited to, soil, silt, bark, slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, beneficial functions of riparian zones, or the quality and beneficial uses of water;

(2) Remove water, trees or large woody debris from a watercourse or lake, the adjacent riparian area, or the adjacent flood plain in quantities deleterious to fish, wildlife, beneficial functions of riparian zones, or the quality and beneficial uses of water.

(c) Protecting and restoring native aquatic and riparian-associated species, the beneficial functions of riparian zones and the quality and beneficial uses of water shall be given equal consideration as a management objective within any prescribed WLPZ and within any ELZ or EEZ designated for watercourse or lake protection.

(d) The measures set forth in this Section are meant to enforce the public's historical and legal interest in protection for wildlife, fish, and water quality and are to be used to guide timberland owners in meeting their legal responsibilities to protect public trust resources.

(e) The amendments to 14 CCR §§ 916 [936, 956] that became effective July 1, 2000 shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 4552, 4562.5, 4562.7, 21001(b), (f), 21002 and 21002.1, Public Resources Code; and Sections 100, 1243, 1243.5, 13001, 13001(f), 13146 and 13147, Water Code; and 33 USC Section 4288(b)(2)(F).

Amend §§ 916.2, 936.2, and 956.2 Protection of the Beneficial Uses of Water and Riparian Functions.

(a) The measures used to protect the beneficial uses of water for each watercourse and lake in a logging area shall be determined by the presence and condition of the following values:

(1) The existing and restorable quality and beneficial uses of water as specified by the applicable water quality control plan and as further identified and refined during preparation and review of the plan.

(2) The restorable uses of water for fisheries as identified by the Department of Fish and Game DFG or as further identified and refined during preparation and review of the plan.

(3) Riparian habitat that provides for the biological needs of the fish and wildlife native aquatic and riparian-associated species provided by the riparian habitat as

specified in 14 CCR 916.4(b) [936.4(b), 956.4(b)].

(4) Sensitive ~~near stream~~ conditions near watercourses and lakes as specified in 14 CCR 916.4(a) [936.4(a), 956.4(a)].

These values shall be protected from potentially significant adverse impacts from timber operations and restored to good condition, where needed, through a combination of the rules and plan-specific mitigation.

(b) The State's waters are grouped into four classes based on key beneficial uses. These classifications shall be used to determine the appropriate minimum protection measures to be applied to the State's waters during the conduct of timber operations. The basis for classification (characteristics and key beneficial uses) are set forth in 14 CCR 916.5 [936.5, 956.5], Table 1 and the range of minimum protective measures applicable to each class are contained in Sections 14 CCR 916.3 [936.3, 956.3], 916.4(e) [936.4, 956.4], and 916.5 [936.5, 956.5]

(c) When the protective measures contained in 14 CCR 916.5 [936.5, 956.5] are not adequate to provide protection to beneficial uses, feasible protective measures shall be developed by the RPF or proposed by the Director under the provisions of 14 CCR 916.6 [936.6, 956.6], Alternative Watercourse and Lake Protection, and incorporated in the THP plan when approved by the Director.

(d) The amendments to 14 CCR § 916.2 [936.2, 956.2] that became effective July 1, 2000 shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; and 33 USC Section 4288(b)(2)(F).

§§ 916.9 [936.9, 956.9] Exclusion of Material from Streams and Lakes.

Adopt §§ 916.9, 936.9, and 956.9 Protection and Restoration in Watersheds with Threatened or Impaired Values.

In addition to all other district Forest Practice Rules, the following requirements shall apply in any planning watershed with threatened or impaired values:

(a) GOAL - Every timber operation shall be planned and conducted to prevent deleterious interference with the watershed conditions that primarily limit the values set forth in 14 CCR 916.2 [936.2, 956.2](a) (e.g., sediment load increase where sediment is a primary limiting factor; thermal load increase where water temperature is a primary limiting factor; loss of instream large woody debris or recruitment potential where lack of this value is a primary limiting factor; substantial increase in peak flows or large flood frequency where peak flows or large flood frequency are primary limiting factors). To achieve this goal, every timber operation shall be planned and conducted to meet the following objectives where they affect a primary limiting factor:

(1) Comply with the terms of a Total Maximum Daily Load (TMDL) that has been adopted to address factors that may be affected by timber operations if a TMDL has been adopted, or not result in any measurable sediment load increase to a watercourse system or lake.

(2) Result in any measurable decrease in the stability of a watercourse channel or of a watercourse or lake bank.

(3) Result in any measurable blockage of any aquatic migratory routes for anadromous salmonids or listed species.

(4) Result in any measurable stream flow reductions during critical low water periods except as part of an approved water drafting plan pursuant to 14 CCR 916.9(r) [936.9(r), 956.9(r)].

(5) Consistent with the requirements of 14 CCR § 916.9(i), 14 CCR § 936.9(i), or 14 CCR § 956.9(i); protect, maintain, and restore trees (especially conifers), snags, or downed large woody debris that currently, or may in the foreseeable future, provide large woody debris recruitment needed for instream habitat structure and fluvial geomorphic functions.

(6) Consistent with the requirements of 14 CCR § 916.9(g), 14 CCR § 936.9(g), or 14 CCR § 956.9(g); protect, maintain, and restore the quality and quantity of vegetative canopy needed to: (A) provide shade to the watercourse or lake, (B) minimize daily and seasonal temperature fluctuations, (C) maintain daily and seasonal water temperatures within the preferred range for anadromous salmonids or listed species where they are present or could be restored, and (D) provide hiding cover and a food base where needed.

(7) Result in no substantial increases in peak flows or large flood frequency.

(b) Pre-plan adverse cumulative watershed effects on the populations and habitat of anadromous salmonids shall be considered. The plan shall specifically acknowledge or refute that such effects exist. Where appropriate, the plan shall set forth measures to effectively reduce such effects.

(c) Any timber operation or silvicultural prescription within 150 feet of any Class I watercourse or lake transition line or 100 feet of any Class II watercourse or lake transition line shall have protection, maintenance, or restoration of the beneficial uses of water or the populations and habitat of anadromous salmonids or listed aquatic or riparian-associated species as significant objectives.

Additionally, for evenaged regeneration methods and rehabilitation with the same effects as a clearcut that are adjacent to a WLPZ, a special operating zone shall retain understory and mid-canopy conifers and hardwoods. These trees shall be protected during falling, yarding and site preparation to the extent feasible. If trees that are retained within this zone are knocked down during operations, that portion of the trees that is greater than 6" in diameter shall remain within the zone as Large Woody Debris. The zone shall be 25 feet above Class I WLPZs with slopes 0-30% and 50 feet above Class I WLPZs with slopes > 30%.

(d)(1) The plan shall fully describe: (A) the type and location of each measure needed to fully offset sediment loading, thermal loading, and potential significant adverse watershed effects from the proposed timber operations, and (B) the person(s) responsible for the implementation of each measure, if other than the timber operator.

(2) In proposing, reviewing, and approving such measures, preference shall be given to the following: (A) measures that are both onsite (i.e., on or near the plan area) and in-kind (i.e., erosion control measures where sediment is the problem), and (B) sites that are located to maximize the benefits to the impacted portion of a watercourse or lake. Out-of-kind measures (i.e., improving shade where sediment is the problem) shall not be approved as meeting the requirements of this subsection.

(e) There shall be no timber operations within the channel zone with the following exceptions:

(1) timber harvesting that is directed to improve salmonid habitat through the limited use of the selection or commercial thinning silvicultural methods with review and comment by DFG.

(2) timber harvesting necessary for the construction or reconstruction of approved watercourse crossings.

(3) timber harvesting necessary for the protection of public health and safety.

(4) to allow for full suspension cable yarding when necessary to transport logs through the channel zone.

In all instances where trees are proposed to be felled within the channel zone, a base mark shall be placed below the cut line of the harvest trees within the zone. Such marking shall be completed by the RPF that prepared the plan prior to the preharvest inspection.

(f) The minimum WLPZ width for Class I waters shall be 150 feet from the watercourse or lake transition line.

(g) Within a WLPZ for Class I waters, at least 85 percent overstory canopy shall be retained within 75 feet of the watercourse or lake transition line, and at least 65 percent overstory canopy within the remainder of the WLPZ. The overstory canopy must be composed of at least 25% overstory conifer canopy post-harvest.

Harvesting of hardwoods shall only occur for the purpose of enabling conifer regeneration.

(h) For Class I waters, any plan involving timber operations within the WLPZ shall contain the following information:

(1) A clear and enforceable specification of how any disturbance or log or tree cutting and removal within the Class I WLPZ shall be carried out to conform with 14 CCR 916.2 [936.2, 956.2](a) and 916.9 [936.9, 956.9](a).

(2) A description of all existing permanent crossings of Class I waters by logging roads and clear specification regarding how these crossings are to be modified, used, and treated to minimize risks, giving special attention to allowing fish to pass both upstream and downstream during all life stages.

(3) Clear and enforceable specifications for construction and operation of any new crossing of Class I waters to prevent direct harm, habitat degradation, water velocity increase, hindrance of fish passage, or other potential impairment of beneficial uses of water.

(i) Recruitment of large woody debris for aquatic habitat in Class I anadromous fish-bearing or restorable waters shall be ensured by retaining the ten largest dbh conifers (live or dead) per 330 feet of stream channel length that are the most conducive to recruitment to provide for the beneficial functions of riparian zones. The retained conifers shall be selected from within the plan area that lies within 50 feet of the watercourse transition line.

The RPF may propose alternatives to substitute smaller diameter trees, trees that are more than 50 feet from the watercourse transition line, or other alternatives on a site specific basis. The RPF must explain and justify in the THP why the proposed alternative is more conducive to current and long-term Large Woody Debris recruitment, shading, bank stability, and the beneficial functions of riparian zones.

(j) Where an inner gorge extends beyond a Class I WLPZ and slopes are greater than 55%, a special management zone shall be established where the use of evenaged regeneration methods is prohibited. This zone shall extend upslope to the first major break-in-slope to less than 55% for a distance of 100 feet or more, or 300 feet as measured from the watercourse or lake transition line, which ever is less. All operations on slopes exceeding 65% within an inner gorge shall be reviewed by a Certified Engineering Geologist prior to plan approval, regardless of whether they are proposed within a WLPZ or outside of a WLPZ.

(k) From October 15 to May 1, the following shall apply: (1) no timber operations shall take place unless the approved plan incorporates a complete winter period operating plan pursuant to 14 CCR 914.7(a) [934.7(a), 954.7(a)], (2) unless the winter period operating plan proposes operations during an extended period with low antecedent soil wetness, no tractor roads shall be constructed, reconstructed, or used on

slopes that are over 40 percent and within 200 feet of a Class I, II, or III watercourse, as measured from the watercourse or lake transition line, and (3) operation of trucks and heavy equipment on roads and landings shall be limited to those with a stable operating surface.

(l) Construction or reconstruction of logging roads, tractor roads, or landings shall not take place during the winter period unless the approved plan incorporates a complete winter period operating plan pursuant to 14 CCR 914.7(a) [934.7(a), 954.7(a)] that specifically address such road construction. Use of logging roads, tractor roads, or landings shall not take place at any location where saturated soil conditions exist, where a stable logging road or landing operating surface does not exist, or when visibly turbid water from the road, landing, or skid trail surface or inside ditch may reach a watercourse or lake. Grading to obtain a drier running surface more than one time before reincorporation of any resulting berms back into the road surface is prohibited.

(m) All tractor roads shall have drainage and/or drainage collection and storage facilities installed as soon as practical following yarding and prior to either (1) the start of any rain which causes overland flow across or along the disturbed surface within a WLPZ or within any ELZ or EEZ designated for watercourse or lake protection, or (2) any day with a National Weather Service forecast of a chance of rain of 30 percent or more, a flash flood warning, or a flash flood watch.

(n) Within the WLPZ, and within any ELZ or EEZ designated for watercourse or lake protection, treatments to stabilize soils, minimize soil erosion, and prevent the discharge of sediment into waters in amounts deleterious to aquatic species or the quality and beneficial uses of water, or that threaten to violate applicable water quality requirements, shall be applied in accordance with the following standards:

(1) The following requirements shall apply to all such treatments.

(A) They shall be described in the plan.

(B) For areas disturbed from May 1 through October 15, treatment shall be completed prior to the start of any rain that causes overland flow across or along the disturbed surface.

(C) For areas disturbed from October 16 through April 30, treatment shall be completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the National Weather Service or within 10 days, whichever is earlier.

(2) The traveled surface of logging roads shall be treated to prevent waterborne transport of sediment and concentration of runoff that results from timber operations.

(3) The treatment for other disturbed areas, including: (A) areas exceeding 100 contiguous square feet where timber operations have exposed bare soil, (B) approaches to tractor road watercourse crossings between the drainage facilities closest to the crossing, (C) road cut banks and fills, and (D) any other area of disturbed soil that threatens to discharge sediment into waters in amounts deleterious to the quality and beneficial uses of water, may include, but need not be limited to, mulching, rip-rapping, grass seeding, or chemical soil stabilizers. Where straw, mulch, or slash is used, the minimum coverage shall be 90%, and any treated area that has been subject to reuse or has less than 90% surface cover shall be treated again prior to the end of timber operations. The RPF may propose alternative treatments that will achieve the same level of erosion control and sediment discharge prevention.

(4) Where the undisturbed natural ground cover cannot effectively protect beneficial uses of water from timber operations, the ground shall be treated by measures including, but not limited to, seeding, mulching, or replanting, in order to retain and improve its natural ability to filter sediment, minimize soil erosion, and stabilize banks of watercourses and lakes.

(o) As part of the plan, the RPF shall identify active erosion sites in the logging area, assess them to determine which sites pose significant risks to the beneficial uses of water, assess them to determine whether feasible remedies exist, and address in the plan feasible remediation for all sites that pose significant risk to the beneficial uses of water.

(p) The erosion control maintenance period on permanent and seasonal roads and associated landings that are not abandoned in accordance with 14 CCR 923.8 shall be three years.

(q) Site preparation activities shall be designed to prevent soil disturbance within, and minimize soil movement into, the channels of watercourses. Prior to any broadcast burning, burning prescriptions shall be designed to prevent loss of large woody debris in watercourses, and vegetation and duff within a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection. No ignition is to occur within any WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection. When burning prescriptions are proposed, the measures or burning restrictions which are intended to accomplish this goal shall be stated in the plan and included in any required burning permit. This information shall be provided in addition to the information required under 14 CCR 915.4 [935.4, 955.4].

(r) Water drafting for timber operations from within a channel zone of a natural watercourse or from a lake shall conform with the following standards:

(1) The RPF shall incorporate into the THP:

(A) a description and map of proposed water drafting locations,

(B) the watercourse or lake classification, and

(C) the general drafting location use parameters (i.e., yearly timing, estimated total volume needed, estimated total uptake rate and filling time, and associated water drafting activities from other THPs).

(2) On Class I and Class II streams where the RPF has estimated that:

(A) bypass flows are less than 2 cubic feet per second, or

(B) pool volume at the water drafting site would be reduced by 10%, or

(C) diversion rate exceeds 350 gallons per minute, or

(D) diversion rate exceeds 10% of the above surface flow;

no water drafting shall occur unless the RPF prepares a water drafting plan to be reviewed by DFG and approved by the Director.

The water drafting plan shall include, but not be limited to:

1. disclosure of estimated percent streamflow reduction and duration of reduction,

2. discussion of the effects of single pumping operations, or multiple pumping operations at the same location,

3. proposed alternatives and discussion to prevent adverse effects (e.g. reduction in hose diameter, reduction in total intake at one location, described allowances for recharge time, and alternative water drafting locations),

4. conditions for operators to include an operations log kept on the water truck containing the following information: Date, Time, Pump Rate, Filling Time, Screen Cleaned, Screen Conditions, and Bypass flow observations,

5. a statement by the RPF for a pre-operations field review with the operator to discuss the conditions in the water drafting plan.

(3) Intakes shall be screened in Class I and Class II waters. Screens shall be designed to prevent the entrainment or impingement of all life stages of fish or amphibians. Screen specifications shall be included in the plan.

(4) Approaches to drafting locations within a WLPZ shall be surfaced with rock or other suitable material to avoid generation of sediment.

(s) No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under emergency notices or exemption notices except for hauling on existing roads, road maintenance, and operations conducted for public safety.

(t) No salvage logging is allowed in a WLPZ without an approved HCP, an SYP, or an approved plan that contains a section that sets forth objectives, goals, and measurable results for streamside salvage operations.

(u) Nonstandard practices (i.e., waivers, exceptions, in-lieu practices, and alternative practices) shall comply with the goal set forth in subsection (a) above as well as with the other requirements set forth in the rules.

(v) The Director may approve alternatives provided the alternative practice will achieve the goal of this section. The Director shall not accept for inclusion in a plan any alternative practice as described in this section where two or more agencies listed in 4582.6 of the PRC and 14 CCR 1037.3 have submitted written comments which lead to the Director's conclusion that the proposed alternative will not meet the goal of this section and the agency(ies) participated in the review of the plan, including an on-the-ground inspection.

(w) Other measures that would effectively achieve the goal set forth in 14 CCR 916.9(a) [936.9(a), 956.9(a)] may be approved in accordance with 14 CCR 916.6 [936.6, 956.6].

(x) The provisions of 14 CCR 916.9 [936.9, 956.9] shall not apply to a plan that is subject to an incidental take permit based upon an approved Habitat Conservation Plan that addresses anadromous salmonid protection.

(y) This section shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

Adopt §§ 916.11, 936.11, and 956.11 Effectiveness and Implementation Monitoring

(a) Where timber operations will be conducted within a WLPZ, the Director may require a post-harvest evaluation of the effectiveness of the mitigations and practices designed to protect the watercourse(s) or lake(s) as a condition of plan approval. The Director shall require such an evaluation if the necessity for the evaluation is supported by substantial evidence in the record. This evidence may include, but is not limited to, potential land failures, accelerated rate of road construction or harvesting within a watershed, concentration or intensity of harvesting activity near watercourses, and potential for accelerated windthrow. The design and implementation of the evaluation shall be done in consultation with the Director, the RWQCB or DFG, and THP submitter, and the sufficiency of the information requested by the Director shall be judged in light of reasonableness and practicality. The evaluation may utilize procedures including, but not limited, to:

(1) Procedures for effectiveness and implementation monitoring,

(2) Existing landowner monitoring programs, or

(3) Photographic monitoring

(b) This section shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

Adopt §§ 916.12, 936.12, and 956.12 Section 303(d) Listed Watersheds

For any planning watershed in which timber operations could contribute to the pollutants or stressors which have been identified as limiting water quality in a water body listed pursuant to 303(d) Federal Clean Water Act, the following shall apply:

(a) The Department shall, in collaboration with the appropriate RWQCB and SWRCB, prioritize watersheds in which the following will be done: 1) conduct or participate in any further assessment or analysis of the watershed that may be needed, 2) participate in the development of Total Maximum Daily Load (TMDL) problem assessment, source assessment, or load allocations related to timber operations, and 3) if existing rules are deemed not to be sufficient, develop recommendations for watershed-specific silvicultural implementation, enforcement and monitoring practices to be applied by the Department.

(b) The Department shall prepare a report setting forth the Department's findings and recommendations from the activities identified pursuant to (a) above. The report shall be submitted to the Board and the appropriate RWQCB. The report shall be made available to the public upon request and placed on the Boards' website for a 90-day period.

(c) Where the Department has recommended that the adoption of watershed specific rules is needed, the Board shall consider that recommendation as a proposal for rulemaking under the Administrative Procedures Act (Section 11340 et. seq. Gov Code) and shall begin that process within 180 days following receipt of that report.

(d) These watershed specific rules shall be developed in collaboration with the appropriate RWQCB, the landowner(s) or designee with land in the planning watershed, and other persons or groups within the watershed, and may also be incorporated into a TMDL implementation plan.

(e) The watershed specific rules shall remain in effect until the water body has been removed from the 303(d) list, or that the Board finds, after consulting with the appropriate RWQCB, that timber operations are no longer a significant source of the pollutant or stressor that limits water quality in the listed water body.

(f) This section shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

Amend §§ 923.3, 943.3, and 963.3 Watercourse Crossings

Watercourse crossing drainage structures on logging roads shall be planned, constructed, reconstructed, and maintained or removed, according to the following standards. Exceptions may be provided through application of Fish and Game Code Sections 1601 and 1603 and shall be included in the THP.

(a) The location of all new permanent watercourse crossing drainage structures and temporary crossings located within the WLPZ shall be shown on the THP map. If the structure is a culvert intended for permanent use, the minimum diameter of the culvert shall be specified in the plan. Extra culverts beyond those shown in the THP map may be installed as necessary.

(b) The number of crossings shall be kept to a feasible minimum.

(c) Drainage structures on watercourses that support fish shall allow for unrestricted passage of all life stages of fish that may be present, and shall be fully described in the plan in sufficient clarity and detail to allow evaluation by the review team and the public, provide direction to the LTO for implementation, and provide enforceable standards for the inspector.

(d) When watercourse crossings, other drainage structures, and associated fills are removed the following standards shall apply:

(1) Fills shall be excavated to form a channel ~~which~~ that is as close as feasible to the natural watercourse grade and orientation, and that is wider than the natural channel.

(2) The excavated material and any resulting cut bank shall be sloped back from the channel and stabilized to prevent slumping and to minimize soil erosion. Where needed, this material shall be stabilized by seeding, mulching, rock armoring, or other suitable treatment.

(e) All permanent watercourse crossings that are constructed or reconstructed shall accommodate the estimated 100-year flood flow, including debris and sediment loads.

(f) Permanent watercourse crossings and associated fills and approaches shall be constructed or maintained to prevent diversion of stream overflow down the road and to minimize fill erosion should the drainage structure become obstructed. The RPF may propose an exception where explained in the THP and shown on the THP map and justified how the protection provided by the proposed practice is at least equal to the protection provided by the standard rule.

(g) Any new permanent culverts installed within class I watercourses shall allow upstream and downstream passage of fish or listed aquatic species during any life stage and for the natural movement of bedload to form a continuous bed through the culvert and shall require an analysis and specifications demonstrating conformance with the intent of this section and subsection.

(h) The amendments to 14 CCR §§ 923.3 [943.3, 963.3] that became effective July 1, 2000 shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4551.5, and 21004, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 and 4562.7, Public Resources Code; ~~33 USC Section 1288(b)~~, 40 CFR 130.2(q); and California Case Law: *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1972) 59 Cal. App. #d 959, 131 Cal Rptr. 172.

Adopt §§ 923.9 [943.9, 963.9] Roads and Landings in Watersheds with Threatened or Impaired Values.

In addition to all other district Forest Practice Rules, the following requirements shall apply in any planning watershed with threatened or impaired values:

(a) Where logging road or landing construction or reconstruction is proposed, the plan shall state the locations of and specifications for road or landing abandonment or other mitigation measures to minimize the adverse effects of long-term site occupancy of the transportation system within the watershed.

(b) Unless prohibited by existing contracts with the U.S.D.A. Forest Service or other federal agency, new and reconstructed logging roads shall be no wider than a single-lane compatible with the largest type of equipment specified for use on the road, with adequate turnouts provided as required for safety. The maximum width of these roads shall be specified in the plan. These roads shall be outsloped where feasible and drained with water breaks or rolling dips (where the road grade is inclined at 7 percent or less), in conformance with other applicable Forest Practice Rules.

(c) The following shall apply on slopes greater than 50%:

(1) Specific provisions of construction shall be identified and described for all new roads.

(2) Where cutbank stability is not an issue, roads may be constructed as a full-benched cut (no fill). Spoils not utilized in road construction shall be disposed of in stable areas with less than 30 percent slope and outside of any WLPZ, EEZ, or ELZ.

(3) Alternatively, roads may be constructed with balanced cuts and fills if properly engineered, or fills may be removed with the slopes recontoured prior to the winter period.

(d) In addition to the provisions listed under 14 CCR 923.1(e) [943.1(e), 963.1(e)], all permanent or seasonal logging roads with a grade of 15% or greater that extends 500 continuous feet or more shall have specific erosion control measures stated in the plan.

(e) Where situations exist that elevate risks to the values set forth in 14 CCR 916.2(a), [936.2(a), 956.2(a)] (e.g., road networks are remote, the landscape is unstable, water conveyance features historically have a high failure rate, culvert fills are large) drainage structures and erosion control features shall be oversized, low maintenance, or reinforced, or they shall be removed before the completion of the timber operation. The method of analysis and the design for crossing protection shall be included in the plan.

(f) The provisions of 14 CCR 923.9 [943.9, 963.9] shall not apply to a plan that is subject to an incidental take permit based upon an approved Habitat Conservation Plan that addresses anadromous salmonid protection.

(g) This section shall expire on December 31, 2000.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources Code.
Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; Sections 1600 and 5650(c), Fish and Game Code; and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

Review Team Composition, 2000

Final Rule Language

Amend § 1037.3 Agency and Public Review

(a) Upon receipt of the filed plan in accordance with 14 CAC CCR 1037, the Director shall place it, or a true copy thereof, in a file available for public inspection, and shall transmit a copy to the Department of Fish and Game, ~~or to the appropriate California Regional Water Quality Control Board, the Department of Conservation, Division of Mines and Geology,~~ the Department of Parks and Recreation, the county planning agency and, if the areas are within their jurisdiction, to the California Tahoe Regional Planning Agency and the appropriate regional California Coastal zone conservation Commission.

(b) The Director shall also transmit a copy of any specific plan to any person who has made a written request therefor.

(c) The Department shall bill such persons for the cost of providing such copies and such monies shall be paid to the Department.

The Director shall invite written comments, and will consider these comments. All comments regarding plans shall be in writing and shall be addressed to the Director at the regional office where the plan is filed. Comments from reviewing public agencies

shall be considered based on the comments' substance, and specificity, and in relation to the commenting agencies' area(s) of expertise and statutory mandate, as well as the level of documentation, explanation or other support provided with the comments.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4582.6, 4582.7 and 4582.75, Public Resources Code.

Amend § 1037.5 Review Teams to Be Established

Interdisciplinary review teams shall be established by the Director to review plans and assist the Director in the evaluation of proposed timber operations and their impacts on the environment.

(a) Review Team Composition. Each review team, when possible, shall consist of a representative from each of the following agencies: the appropriate California Regional Water Quality Control Board, Department of Fish and Game, Department of Conservation, Division of Mines and Geology, a representative of county government when the county government so requests, Regional California Coastal Commission (for plans in the coastal zone), California Tahoe Regional Planning Agency (for plans in the Tahoe Basin) and the Department of Forestry and Fire Protection. The ~~d~~Director shall request a representative from the Department of Parks and Recreation in the case of plans that ~~which~~ may affect values in publicly owned parks. The Director may request other federal, state or county agencies, or the Native American Heritage Commission (NAHC) or local tribal groups identified by the NAHC, when appropriate, to assist as advisors in the review process. The Department of Forestry and Fire Protection's representative shall be the review team chairperson and shall be a Registered Professional Forester.

(b) Review Team Function. The function of the review team shall be to assist the Director in determining if plans are in conformance with Board rules and to evaluate the potential environmental impacts of timber operations. Review criteria employed by a team shall be consistent with this function. The Board's regulations provide direction for those situations noted during the review which are not addressed by specific rules (See 14 CCR 898.1(f), 901-903.2, 1655 & PRC 4555). In evaluating a plan, the review team shall review any discussion of feasible alternatives or additional mitigation to the proposed timber operation as prescribed in 14 CCR 898. Plan reviewers must consider the economic as well as the environmental benefits of feasible alternatives. The review team shall serve in an advisory capacity to the Director in making recommendations on plans.

In the event that any member of the review team concludes that the plan as filed would have a significant adverse effect on the environment, that member shall explain and justify this conclusion in writing as specifically as possible. The member shall provide in writing suggested site-specific mitigation measures, if any, that will substantially lessen the impacts.

(c) Chairperson Tasks. The Department is the lead agency in the review of plans. The review team chairperson shall direct the review team meetings, coordinate the interdisciplinary review of plans and develop recommendations on plans for the Director's consideration.

(d) Review Team Meetings. The Director or his designee is responsible for establishing and scheduling the meeting of a review team to perform the necessary review of plans for the Department.

Review team meetings shall be open to the RPF, supervised designee, the landowner, and the timber owner and, insofar as possible without disrupting the work of the team, to the public. The chairperson may impose limitations on the scope of any public participation at the meetings. All interested persons will normally be allowed to attend team meetings. On occasions when space or other considerations will require some limitation on attendance the review team chairperson shall endeavor to allow for attendance of at least one representative for each of the various agencies, organizations or special interest groups.

(e) Non-Concurrence. If a member of the review team does not concur with the chairperson's recommendation to the Director, the member shall submit in writing, within five days of the review team meeting and before the action required by 14 CAC CCR 1037.4, the specific reasons why the recommendation does not provide adequate protection of the resources for which his or her agency has responsibility. The submission to the Director shall also include recommendations on measures or actions the Director should take to address the asserted deficiency, as provided by the rules of the Board. A non-concurring member's comments shall be considered based on the comments' specificity and relation to the member agency's area(s) of expertise and statutory mandate, as well as the level of documentation, explanation or other support provided with the comments. If a non-concurrence is filed on a plan, the review team chairperson shall prepare a written report explaining how the concerns cited in the non-concurrence have been addressed in the plan and how the natural resources of concern will be protected during timber operations.

(f) Mitigation. During the review of a plan, including the pre-harvest inspection, members of the review team may recommend incorporation of mitigating measures into the plan which are consistent with the forest practice rules and which would improve the plan or assist in significantly lessening adverse impacts of the operation on any timberland resources. The submitter may or may not agree with concerns expressed by the suggestions or may offer alternatives. If the submitter, after consultation with the RPF who prepared the plan, agrees with the suggested mitigation measures or changes, they are to be incorporated in the plan. The Director may only require incorporation into the plan of mitigation measures that are based on rules of the Board.

The team may suggest protective measures to the RPF for his incorporation into the plan when authority for such measures is not contained in the rules and regulations of the Board. If the RPF rejects incorporation of such measures into the plan, the Director shall determine if approval of the plan without the suggested measures could result in immediate significant, and long-term harm to the natural resources of the state. If the Director finds that the state's resources are so endangered, the provisions of PRC 4555 shall be followed.

(g) Review of Plans by Review Teams. Before the Director makes a determination on a plan, a review team shall review the plan. The review team shall do the following:

(1) Before the Director accepts a plan for filing or before the fifth working day after filing, a review team shall review the plan. The purpose of this review is to assist this Department in determining whether a preharvest inspection (initial inspection) is necessary and what areas of concern are to be examined during the inspection, if it is to be made. If a preharvest inspection is determined by the Department to be unnecessary, the review team shall make its recommendation to the Director no later than five working days after a plan is filed.

(2) After the preharvest inspection and before the Director's determination on a plan, the review team shall meet to review all the information on the plan and develop a recommendation for the Director.

(3) Requests, if any, for additional information, from the plan submitter during the review period shall be as prescribed by Section 1034 and other conditions in the rules. Such requests shall be supported by reasons for the request.

During the review period, the Director shall be responsible for determining whether requests for information not contained in the plan as filed or developed in preharvest inspection by review team members, reviewing agencies and members of the public, are consistent with the Forest Practice Rules, are reasonably necessary and should be requested from plan submitters. The Director's determination of additional information to be provided by plan submitters shall be guided by standards of practicality and reasonableness, recognizing the statutory review period of the FPA, the requirements of 14 CCR 1034 and the availability of information from alternative sources.

(h) Review Team Recommendations. The review team chairperson shall develop on each plan reviewed, a recommendation for the Director's consideration. When developing recommendations the review team chairperson shall carefully consider all the information available and the views and opinions expressed by all team members. The advice of review team members shall be utilized in determining whether appropriate alternatives have been selected and included in a plan and if implementation of the plan would cause significant damage to natural resources. The Director shall evaluate the review team recommendation in light of their specificity, as well as the level of documentation, explanation of other support provided with the recommendation and the agency's statutory mandates and areas of expertise.

(i) Communications with Plan Submitter. The plan submitter, and the registered professional forester who prepared the plan, and review team members, shall be provided by the Department with copies of preharvest inspection reports, nonconcurrences and review team recommendations so they are kept informed and are better able to respond promptly to the Department relative to changes that may be needed in a plan before it is acted upon by the Director.

Note: Authority cited: Sections 4551 and 21080.5, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 4582.6, 21000(g), 21002 and 21080.5, Public Resources Code; and *Natural Resources Defense Council, Inc. v. Arcata Nat. Corp.* (1976) 59 Cal.App.3d 959; 131 Cal.Rptr. 172.

Amend § 1090.17 Agency and Public Review for the NTMP

(a) Upon receipt of the filed plan in accordance with 14 CCR 1090.16, the Director shall place it, or a true copy thereof, in a file available for public inspection, and shall transmit a copy to the Department of Fish and Game, the Department of Conservation, Division of Mines and Geology, and to the appropriate California Regional Water Quality Control Board, the Department of Parks and Recreation, the county planning agency and, if the areas are within their jurisdiction, to the California Tahoe Regional Planning Agency and the appropriate regional California eCoastal zone conservation eCommission and all other agencies having jurisdiction by law over natural resources affected by the plan.

(b) The Director shall also transmit a copy of any specific plan to any person who has made a written request therefore.

(c) The Department shall bill such persons for the cost of providing such copies and such monies shall be paid to the Department.

The Director shall invite written comments, and will consider these comments. All comments regarding plans shall be in writing and shall be addressed to the Director at the regional office where the plan is filed.

Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13, Sections 4551 and 4593.7, Public Resources Code. Reference: Sections 4593, 4593.4, and 4593.7, Public Resources Code.

Amend § 1092.16 PTHP Review Inspection-Filing Return

Within ten (10) days of the receipt of a PTHP, the Director shall determine if the PTHP is accurate, complete and in proper order, and if so, the PTHP shall be filed. During this same period, the Director shall determine if a preharvest inspection is necessary. If a preharvest inspection is needed, the ~~d~~Department will notify the submitter, the Department of Fish and Game, the Department of Conservation, Division of Mines and Geology, and the appropriate California Regional Water Quality Control Board to determine if they want to attend and schedule a mutually agreeable time and date of the inspection ~~consistent with PRC 4582.7~~. When the Director finds a PTHP inaccurate, incomplete, or otherwise not in proper order, the PTHP shall be returned to the submitter with written specifications of the deficiencies.

Note: Authority cited: Sections 4551, 4551.5, 4552, ~~4582.7~~ and 21080.5, Public Resources Code; and *NRDC v. Arcata National Corp.* (1976), 50 Cal. App. 3d. 959. Reference: Sections 4581, 4582, 4582.5, 4582.6, 4582.75, 4592, 21081 and 21092, Public Resources Code.

Amend § 1092.18 Agency and Public Review for the PTHP

(a) Upon filing a PTHP in accordance with 14 CCR 1092.16 the Director shall place it, or a true copy thereof, in a file available for public inspection, and shall transmit a copy to ~~DFG the Department of Fish and Game, to the appropriate California Regional Water Quality Control Board, the Department of Conservation, Division of Mines and Geology,~~ the Department of Parks and Recreation, the county planning agency and, if the areas are within their jurisdiction, to the California Tahoe Regional Planning Agency and the ~~appropriate Regional California Coastal Zone Conservation Commission~~.

(b) The Director shall also transmit a copy of any specific PTHP to any person who has made a written request.

(c) The Department shall bill such persons for the cost of providing such copies and such monies shall be paid to the Department.

The Director shall invite written comments, and will consider these comments. All comments should address any areas where there is a question of consistency with the PTEIR, the Act, the applicable rules of the Board and any other applicable legal requirements. All comments shall be in writing and shall be addressed to the Director at the regional office where the PTHP was filed.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4582.7 and 4582.75, Public Resources Code.

Amend § 1092.27 Report Minor Deviations

(a) Minor deviations as described in 14 CCR 895.1 shall be submitted in writing to the Director before undertaking the deviation. Actions described in 14 CCR 1092.26 which are normally presumed to be substantial deviations may, in a given instance, be minor deviations. Actions listed as substantial deviations in 14 CCR 1092.26 or discussed in the PTEIR that are considered to be minor by the submitter may be undertaken only if requested in writing to and approved by the Director.

(b) The Director shall have five working days to determine if the proposed deviation is substantial or minor. Upon the date of receipt, the Director shall send copies of the proposed deviation to the Department of Fish and Game, the appropriate California Regional Water Quality Control Board, the Department of Conservation,

Division of Mines and Geology, and any County which has special rules adopted under Section 4516.5 of the Public Resources Code.

(c) Where the Director fails to act within the five day period or a determination is made that the proposed deviation is minor, work may commence.

(d) Where the Director determines the proposed deviation is substantial, the review process in 14 CCR 1092.18 will be followed.

Note: Authority cited: Section 4591.1, Public Resources Code. Reference: Sections 4583.2 and 4591.1, Public Resources Code.

Notification of Disciplinary Action, 2000

Final Rule Language

Amend §1612.2 Notification of Disciplinary Action

(a) Conditions of staying an order which suspends or revokes a license on any of the grounds for disciplinary action specified in Section 777, Public resources Code, shall require:

(1)(a) Respondent to submit to the Board, not later than thirty (30) days after the decision becomes effective, a complete list of all business and/or client names, addresses, and phone numbers with whom a current contractual or employment relationship exists. Furthermore, respondent shall notify the Board within ten (10) days of any new contractual or employment relationships over the duration of the stayed order. This information may be used to aid the Board in monitoring the performance of respondent over the period of the stayed order.

(2)(b) Board to notify each business and/or client name submitted, or at its option require respondent to notify with Board approved language and proof of notification, of the offense(s), findings and discipline imposed.

(b) The Board shall provide public notice of disciplinary actions. The Board shall comply with the following standards when providing public notice:

(1) When the RPF is exonerated, their name and the specifics of the cases will not be made public. A summary of the case will be noticed in "Licensing News", and will include the following:

(A) Case number.

(B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(C) Authority: citations of applicable statutory and regulatory sections.

(D) Action: announcement of the exoneration and a general summary of the facts of the case.

(2) When disciplinary action results in the issuance of a PFEC Letter of Concern or Private Board Reprimand, the name of the RPF and specifics of the case will not be made public. A summary of the case will be noticed in "Licensing News", and will include the following:

(A) Case number.

(B) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.

(C) Authority: citations of applicable statutory and regulatory sections.

(D) Action: announcement of the disciplinary action taken and a general summary of the facts of the case.

(3) When disciplinary action results in license suspension or revocation, the name of the RPF and the specifics of the case will be made public. A summary of the case will be noticed in the "Daily Recorder", "Licensing News", the meeting minutes of the Board, and announced in open session of the Board meeting at which the discipline was approved. These notices will include the following:

- (A) Case number.
 - (B) RPF name and license number.
 - (C) City of business at the time of notice.
 - (D) Allegation: citing possible cause(s) of action under 14 CCR §1612.1.
 - (E) Authority: citations of applicable statutory and regulatory sections.
 - (F) Action: announcement of the disciplinary action taken and a specific summary of the facts of the case.
- (4) The information summarized in "Licensing News" under (b)(1), (b)(2), and (b)(3) above shall be available upon request to the public.

(c) The Board may provide notice to the news media of disciplinary actions. The Board shall comply with the following standards when providing notice to the media.

(1) Media releases shall occur in all instances when disciplinary action results in the following:

- (A) Suspension or revocation based on any of the following cause(s):
 - (i) conviction of a felony as defined in Section 778(a) and governed by Section 778.5 of the Public Resources Code.
 - (ii) fraud.
 - (iii) deceit.
 - (iv) gross negligence.
 - (v) incompetence.

(B) The PFEC has recommended revocation or a suspension greater than 30 days for any cause under 14 CCR §1612.1.

(2) The media release shall be approved by the by the Board, and shall contain all information cited in subsection (b)(3).

(3) The media release shall be submitted to a newspaper of general circulation in the county(ies) where the infraction(s) occurred.

Note: Authority cited: Sections 708, 751, 759, 777 and 778, Public Resources Code. Reference: Sections 708, 730, 751, 759, 775, 776, 777 and 778, Public Resources Code.

PLAN SUBMITTER, RPF AND LTO RESPONSIBILITIES, 2000

Proposed Rule Language

Amend § 1035 Plan Submitter Responsibility

The plan submitter, or successor in interest, shall:

- (a) Ensure that an RPF conducts any activities which require an RPF.
- (b) Provide the RPF preparing the plan or amendments with complete and correct information regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the planning and conduct of timber operations.
- (c) Sign the THP certifying knowledge of the plan contents and the requirements of this section.

(d)(1) Retain an RPF who is available to provide professional advice to the LTO and timberland owner upon request throughout the active timber operations regarding:

A) the plan,

B) the Forest Practice Rules, and

C) other associated regulations pertaining to timber operations.

(2) The plan submitter may waive the requirement to retain an RPF to provide professional advice to the LTO and timberland owner under the following conditions:

(A) the plan submitter provides authorization to the timberland owner to provide advice to the LTO on a continuing basis throughout the active timber operations provided that the timberland owner is a natural person who personally performs the services of a professional forester and such services are personally performed on lands owned by the timberland owner;

(B) the timberland owner agrees to be present on the logging area at a sufficient frequency to know the progress of operations and advise the LTO, but not less than once during the life of the plan; and

(C) the plan submitter agrees to provide a copy of the portions of the approved THP and any approved operational amendments to the timberland owner containing the General Information, Plan of Operations, THP Map, Yarding System Map, Erosion Hazard Rating Map and any other information deemed by the timberland owner to be necessary for providing advice to the LTO regarding timber operations.

(3) All agreements and authorizations required under 14 CCR § 1035(d)(2) shall be documented and provided in writing to the Director to be included in the plan.

(d)(e) Within five (5) working days of change in RPF responsibilities for THP implementation or substitution of another RPF, file with the Director a notice which states the RPF's name and registration number, address, and subsequent responsibilities for any RPF required fieldwork, amendment preparation, or operation supervision. Corporations need not file notification because the RPF of record on each document is the responsible person.

(e)(f) Provide a copy of the portions of the approved THP and any approved operational amendments to the LTO containing the General Information, Plan of Operations, THP Map, Yarding System Map, Erosion Hazard Rating Map and any other information deemed by the RPF to be necessary for timber operations.

(f)(g) ~~The plan submitter shall~~ Notify the Director prior to commencement of site preparation operations. Receipt of a burning permit is sufficient notice.

(g)(h) Disclose to the LTO, prior to the start of operations, through an on-the-ground meeting, the location and protection measures for any archaeological or historical sites requiring protection if the RPF has submitted written notification to the plan submitter that the plan submitter needs to provide the LTO with this information.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 757, 4582 and 4582.5, Public Resources Code.

Amend § 1035.1 Registered Professional Forester Responsibility

(a) Upon submission of a THP, the Registered Professional Forester (RPF) who prepares and signs a plan is responsible for the accuracy and completeness of its contents. ~~The RPF preparing the plan shall:~~

(a)(1) The RPF preparing the plan shall ~~§~~state in the THP the work which will be performed by the RPF plan preparer (beyond preparation of the THP and attending the

pre-harvest inspection if requested by the Director), and any additional work requiring an RPF which the plan preparer does not intend to perform. This may include, but is not limited to, field work in identifying watercourse and lake protection zones or special treatment areas, marking trees, or other activities. The RPF is only responsible for the activities set forth in the plan when employed for that purpose, or required by the rules of the Board. The RPF shall state whether or not he or she has been retained to provide professional advice throughout the timber operations.

(b)(2) The RPF preparing the plan shall in writing, inform the plan submitter(s) of their responsibility pursuant to Section 1035 of this Article, and the timberland owner(s) of their responsibility for compliance with the requirements of the Act and where applicable, Board rules regarding site preparation, stocking, and maintenance of roads, landings, and erosion control facilities.

(b) Upon entering into an agreement to accept responsibility for any part of the preparation or implementation of a plan or any work beyond the preparation of a plan, including providing professional advice; all responsible RPFs shall disclose to the real party of interest for whom the RPF is providing professional forestry services any known current potential conflict of interest the RPFs have with regard to the timber or land that is subject to operations under the plan. All responsible RPFs shall disclose to the timberland owner and plan submitter whether they are the real party of interest for whom the RPF is providing professional forestry services.

(c) Disclosure of newly discovered conflicts of interest an RPF has with regard to the plan submitter, timberland owner, timber owner, the LTO and timber purchaser, pertaining to the timber or land that is subject to operations under the plan, shall be required as long as an RPF has responsibilities relative to a plan. The disclosure shall include identification of the real party of interest for whom the RPF is providing professional forestry services.

(d) All disclosures made between an RPF and an affected party pursuant to this section may be kept confidential.

(e) An RPF retained by the plan submitter to provide professional advice throughout the timber operations shall be present, or ensure that the RPF's supervised designee is present, on the logging area at a sufficient frequency to know the progress of operations and advise the LTO and timberland owner, but not less than once during the life of the plan.

(f) An RPF retained by the plan submitter to provide professional advice throughout the timber operations shall inform the LTO during operations of any mitigation measures incorporated into the plan that are intended to address operations that have a high likelihood of resulting in immediate, significant and long-term harm to the natural resources of the State if such mitigation measures are not strictly applied to minimize such impacts.

(g) The RPF shall promptly notify in writing the LTO, the plan submitter, and the Department of a decision to withdraw professional services from the plan.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4583 and 4583.5, Public Resources Code.

Amend § 1035.3 Licensed Timber Operator Responsibilities

Each affected Licensed Timber Operator shall:

(a) Sign the plan and major amendments to the plan, or sign and file with the Director a facsimile of such plan or amendments, agreeing to abide by the terms and

specifications of the plan. This shall be accomplished prior to implementation of the following; which the affected LTO has responsibility for implementing:

- 1) those operations listed under the plan and
- 2) those operations listed under any amendments proposing substantial deviations from the plan.

~~(a)~~(b) Inform the responsible RPF or plan submitter, whether in writing or orally, of any site conditions which in the LTO's opinion prevent implementation of the approved plan including amendments.

~~(b)~~(c) Be responsible for the work of his or her employees and familiarize all employees with the intent and details of the operational and protection measures of the plan and amendments that apply to their work.

~~(c)~~(d) Keep a copy of the applicable approved plan and amendments available for reference at the site of active timber operations. The LTO is not required to possess any confidential addenda to the plan such as the Confidential Archaeological Addendum, nor is the LTO required to keep a copy of such confidential plan addenda at the site of active timber operations.

~~(d)~~(e) Comply with all provisions of the Act, Board rules and regulations, the applicable approved plan and any approved amendments to the plan.

~~(e)~~(f) In the event that the LTO executing the plan was not available to attend the on-site meeting to discuss archaeological site protection with the RPF or supervised designee familiar with on-site conditions pursuant to Section 929.2 [949.2, 969.2] (b), it shall be the responsibility of the LTO executing the plan to inquire with the plan submitter, timberland owner, or their authorized agent, RPF who wrote the plan, or the supervised designee familiar with on-site conditions, in order to determine if any mitigation measures or specific operating instructions are contained in the Confidential Archaeological Addendum or any other confidential addendum to the plan.

(g) Provide the RPF responsible for professional advice throughout the timber operations an on-site contact employee authorized by the LTO to receive RPF advice.

(h) Keep the RPF responsible for professional advice throughout the timber operations advised of the status of timber operation activity.

(1) Within five days before, and not later than the day of the start-up of a timber operation, the LTO shall notify the RPF of the start of timber operations.

(2) Within five days before, and not later than the day of the shutdown of a timber operation, the LTO shall notify the RPF of the shutdown of timber operations.

(A) The notification of the shutdown of timber operations is not required if the period of the shutdown does not extend beyond a weekend, including a nationally designated legal holiday.

(i) Upon receipt of written notice of an RPF's decision to withdraw professional services from the plan, the LTO or on-site contact employee shall cease timber operations, except for emergencies and operations needed to protect water quality, until the LTO has received written notice from the plan submitter that another RPF has visited the plan site and accepts responsibility for providing advice regarding the plan as the RPF of record.

Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code. Reference: Sections 4528.5 and 4571, Public Resources Code.

Within ten (10) days of the receipt of a plan, the Director shall determine if the plan is accurate, complete and in proper order, and if so, the plan shall be filed. During this same period, the Director shall determine if a preharvest inspection is necessary. When the Director finds a plan inaccurate, incomplete, or otherwise not in proper order, the plan shall be returned to the submitter with written specifications of the deficiencies.

If a preharvest inspection is to be held, the LTO who will operate under the plan, if known, shall be invited to participate.

Note: Authority cited: Sections 4551, 4551.5, 4552, 4582.7 and 21080.5, Public Resources Code; *NRDC v. Arcata National Corp.* (1976), 50 Cal. App. 3d 959. Reference: Sections 4581, 4582, 4582.5, 4582.6, 4582.75, 4592, 21081 and 21092, Public Resources Code.

Amend § 1092.11 PTHP Submitter Responsibility

The PTHP submitter, or successor in interest, shall:

- (a) Ensure that an RPF conducts any activities which require an RPF.
- (b) Provide the RPF preparing the PTHP or amendments with complete and correct information regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the planning and conduct of timber operations.
- (c) Sign the PTHP certifying knowledge of ~~it's~~ its contents and the requirements of this section.

(d)(1) Retain an RPF who is available to provide professional advice to the LTO and timberland owner upon request throughout the active timber operations regarding:

A) the plan,

B) the Forest Practice Rules, and

C) other associated regulations pertaining to timber operations.

(2) The plan submitter may waive the requirement to retain an RPF to provide professional advice to the LTO and timberland owner under the following conditions:

(A) the plan submitter provides authorization to the timberland owner to provide advice to the LTO on a continuing basis throughout the active timber operations provided that the timberland owner is a natural person who personally performs the services of a professional forester and such services are personally performed on lands owned by the timberland owner;

(B) the timberland owner agrees to be present on the logging area at a sufficient frequency to know the progress of operations and advise the LTO, but not less than once during the life of the plan; and

(C) the plan submitter agrees to provide a copy of the portions of the approved PTHP and any approved operational amendments to the timberland owner containing the General Information, Plan of Operations, PTHP Map, Yarding System Map, Erosion Hazard Rating Map and any other information deemed by the timberland owner to be necessary for providing advice to the LTO regarding timber operations.

All agreements and authorizations required under 14 CCR § 1035(d)(2) shall be documented and provided in writing to the Director to be included in the plan.

~~(d)~~(e) Within five (5) working days of change in RPF responsibilities for PTHP implementation or substitution of another RPF, file with the Director a notice which states the RPF's name and registration number, address, and subsequent responsibilities for any RPF required field work, amendment preparation, or operation supervision. Corporations need not file notification because the RPF of record on each document is the responsible person.

~~(e)~~(f) Provide a copy of the approved PTHP and any amendments to the LTO.

~~(f)~~(g) Notify the Director prior to commencement of site preparation operations. Receipt of a burning permit is sufficient notice.

(h) Disclose to the LTO, prior to the start of operations, through an on-the-ground meeting, the location and protection measures for any archaeological or historical sites requiring protection if the RPF has submitted written notification to the plan submitter that the plan submitter needs to provide the LTO with this information.

Note: Authority cited: Sections 4551 and 4582 452, Public Resources Code. Reference: Sections 4582 and 4582.5, Public Resources Code.

Amend § 1092.12 Registered Professional Forester Responsibility

(a) Upon submission of a PTHP, the RPF who prepares and signs a PTHP is responsible for the accuracy and completeness of its contents

(b) The RPF preparing the PTHP shall list or describe in the PTHP any work which will be performed by the PTHP preparer and any additional work requiring an RPF which the PTHP preparer does not intend to perform. This may include, but is not limited to, field work in identifying watercourse and lake protection zones or special treatment areas, marking trees, or other activities. The RPF is only responsible for the activities for which he or she is employed, or those required by the rules of the Board. The RPF shall state whether or not he or she has been retained to provide professional advice throughout the timber operations.

(c) The RPF preparing the PTHP shall, in writing, inform the PTHP submitter(s) of their responsibility pursuant to Section 1092.11 of this Article and the timberland owner(s) of their responsibility for compliance with the requirements of the Act and, where applicable, Board rules regarding site preparation, stocking, and maintenance of roads, landings, and erosion control facilities.

(d) Upon entering into an agreement to accept responsibility for any part of the preparation or implementation of a plan or any work beyond the preparation of a plan, including providing professional advice; all responsible RPFs shall disclose to the real party of interest for whom the RPF is providing professional forestry services any known current potential conflict of interest the RPFs have with regard to the timber or land that is subject to operations under the plan. All responsible RPFs shall disclose to the timberland owner and plan submitter whether they are the real party of interest for whom the RPF is providing professional forestry services.

(e) Disclosure of newly discovered conflicts of interest an RPF has with regard to the plan submitter, timberland owner, timber owner, the LTO and timber purchaser, pertaining to the timber or land that is subject to operations under the plan, shall be required as long as an RPF has responsibilities relative to a plan. The disclosure shall include identification of the real party of interest for whom the RPF is providing professional forestry services.

(f) All disclosures made between an RPF and an affected party pursuant to this section may be kept confidential.

(g) An RPF retained by the plan submitter to provide professional advice throughout the timber operations shall be present, or ensure that the RPF's supervised designee is present, on the logging area at a sufficient frequency to know the progress of operations and advise the LTO and timberland owner, but not less than once during the life of the plan.

(h) An RPF retained by the plan submitter to provide professional advice throughout the timber operations shall inform the LTO during operations of any mitigation measures incorporated into the plan that are intended to address operations that have a

high likelihood of resulting in immediate, significant and long-term harm to the natural resources of the State if such mitigation measures are not strictly applied to minimize such impacts.

(i) The RPF shall promptly notify in writing the LTO, the plan submitter, and the Department of a decision to withdraw professional services from the plan.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Sections 4583.2 and 4583.5, Public Resources Code.

Amend § 1092.14 Licensed Timber Operator Responsibilities

Each affected Licensed Timber Operator shall:

(a) Sign the plan and major amendments to the plan, or sign and file with the Director a facsimile of such plan or amendments, agreeing to abide by the terms and specifications of the plan. This shall be accomplished prior to implementation of the following; which the affected LTO has responsibility for implementing:

1) those operations listed under the plan and

2) those operations listed under any amendments proposing substantial deviations from the plan.

(a)(b) Inform the responsible RPF and PTHP submitter, either in writing or orally, of any site conditions which in the LTO's opinion prevent implementation of the PTHP.

(b)(c) Be responsible for the work of his or her employees and familiarize all employees with the intent and details of the operational land protection measures of the PTHP and amendments or minor deviations that apply to their work.

(e)(d) Keep a copy of the applicable approved PTHP and amendments available for reference at the site of active timber operations. The LTO is not required to possess any confidential addenda to the plan such as the Confidential Archaeological Addendum, nor is the LTO required to keep a copy of such confidential plan addenda at the site of active timber operations.

(d)(e) Comply with all provisions of the Act, Board rules and regulations, the applicable PTHP and any approved amendments or minor deviations.

(f) In the event that the LTO executing the plan was not available to attend the on-site meeting to discuss archaeological site protection with the RPF or supervised designee familiar with on-site conditions pursuant to Section 929.2 [949.2, 969.2] (b), it shall be the responsibility of the LTO executing the plan to inquire with the plan submitter, timberland owner, or their authorized agent, RPF who wrote the plan, or the supervised designee familiar with on-site conditions, in order to determine if any mitigation measures or specific operating instructions are contained in the Confidential Archaeological Addendum or any other confidential addendum to the plan.

(g) Provide the RPF responsible for professional advice throughout the timber operations an on-site contact employee authorized by the LTO to receive RPF advice.

(h) Keep the RPF responsible for professional advice throughout the timber operations advised of the status of timber operation activity.

(1) Within five days before, and not later than the day of the start-up of a timber operation, the LTO shall notify the RPF of the start of timber operations.

(2) Within five days before, and not later than the day of the shutdown of a timber operation, the LTO shall notify the RPF of the shutdown of timber operations.

(A) The notification of the shutdown of timber operations is not required if the period of the shutdown does not extend beyond a weekend, including a nationally designated legal holiday.

(i) Upon receipt of written notice of an RPF's decision to withdraw professional services from the plan, the LTO or on-site contact employee shall cease timber operations, except for emergencies and operations needed to protect water quality, until the LTO has received written notice from the plan submitter that another RPF has visited the plan site and accepts responsibility for providing advice regarding the plan as the RPF of record.

Note: Authority cited: Sections 4551, 4552 and 4571, Public Resources Code. Reference: Sections 4551, 4551.5 and 4582, Public Resources Code.

Amend § 1092.16 PTHP Review Inspection-Filing Return

Within ten (10) days of the receipt of a PTHP, the Director shall determine if the PTHP is accurate, complete and in proper order, and if so, the PTHP shall be filed. During this same period, the Director shall determine if a preharvest inspection is necessary. If a preharvest inspection is needed, the department will notify the submitter, the Department of Fish and Game, ~~and~~ the appropriate Regional Water Control Board, and the LTO who will operate under the plan, if known, to determine if they want to attend and to schedule a mutually agreeable time and date of the inspection consistent with PRC 4582.7. When the Director finds a PTHP inaccurate, incomplete, or otherwise not in proper order, the PTHP shall be returned to the submitter with written specifications of the deficiencies.

Note: Authority cited: Sections 4551, 4551.5, 4552, 4582.7 and 21080.5, Public Resources Code; and *NRDC v. Arcata National Corp.* (1976), 50 Cal. App. 3d 959. Reference: Sections 4581, 4582, 4582.5, 4582.6, 4582.75, 4592, 21081 and 21092, Public Resources Code.

Tahoe Exemption Extension, 2000 Proposed Rule Language

Amend § 1038 Exemption.

Persons who conduct the following types of timber operations are exempt from the plan preparation and submission requirements (PRC 4581) and from the completion report and stocking report requirements (PRC 4585 and 4587) of the Act:

- (a) Harvesting Christmas trees.

(b) Harvesting dead, dying or diseased trees of any size, fuelwood or split products in amounts less than 10 percent of the average volume per acre when the following conditions are met:

- (1) No tractor or heavy equipment operations on slopes greater than 50 percent.
- (2) No construction of new tractor roads on slopes greater than 40 percent.
- (3) Timber operations within any Special Treatment Area, as defined in 14 CCR 895.1, shall comply with the rules associated with that Special Treatment Area.
- (4) No tractor or heavy equipment operations on known slides or unstable areas.
- (5) No new road construction or reconstruction, as defined in 14 CCR 895.1.
- (6) No heavy equipment operations within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 916.4 [936.4,956.4](b), except for maintenance of roads and drainage facilities or structures.

(7) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(8) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.

(9) No timber harvesting within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 916.4 [936.4,956.4] (b), except sanitation-salvage harvesting, as defined in 14 CCR 913.3 [933.3,953.3], where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR 912.7 [932.7,952.7](b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR 916.4 [936.4,956.4] (b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.

(10) No timber operations on any site that satisfies the criteria listed in 895.1 for a significant archaeological or historical site. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(c) The cutting or removal of trees in compliance with sections 4290 and 4291 which eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuelbreak to reduce fire spread, duration, and intensity.

(1) Only trees within one-hundred-fifty feet from any point of an "approved and legally permitted structure" that complies with the California Building Code may be harvested.

(2) The following silvicultural methods may not be used: clearcutting, seed tree removal step, shelterwood removal step.

(3) All surface fuels created by timber operations under the exemption which could promote the spread of wildfire, including logging slash and debris, deadwood, branches exceeding 1 inch in diameter, and brush, shall be chipped, burned, or removed within 45 days from the start of timber operations.

(4) In addition to the slash treatment described in CCR 1038©(3), the areas of timber operations must meet the vegetation treatment standards in PRC 4584(j)(1) to (2)(A) illustrated in Technical Rule Addendum No.4 within one year from the receipt of issuance of Notice of Acceptance.

(5) In addition to the limitations listed in 1038(b)(1)-(10), the following apply:

(A) The timber operator shall provide the Director the tentative commencement date of timber operations on the notice required in 14 CCR 1038.2. Within a 15 day period before beginning timber operations, the timber operator shall notify CDF of the actual commencement date for the start of operations. The starting date shall be

directed to the designated personnel at the appropriate CDF Ranger Unit Headquarters by telephone or by mail.

(B) Timber operations conducted under this subsection shall conform to applicable city or county general plans, city or county implementing ordinances, and city or county zoning ordinances within which the exemption is located. The timber operator or timberland owner shall certify that the city or county has been contacted and the exemption conforms with all city or county regulatory requirements.

(C) Timber operations may not be conducted without a copy of the Director's notice of acceptance of the exemption at the operating site, except where the Director has failed to act within the 5 working-day review period.

(d) The limit of 10 percent of the volume per acre in subsection (b) above does not apply when harvesting dead trees which are unmerchantable as sawlog-size timber from substantially damaged timberlands, as defined in 14 CCR 895.1, and the following conditions are met:

(1) Timber operations shall comply with the limits established in 14 CCR 1038(b)(1)-(10).

(2) The landowner shall notify the Director of the completion of timber operations within 30 days of their cessation.

(3) At least one inspection conducted by the Director shall be made after completion of operations (Section 4604 PRC).

(4) The RPF certifies that the timberland is substantially damaged.

(5) The RPF shall also certify that no conditions were identified where operations, conducted in compliance with the rules of the Board, would reasonably result in significant adverse effects.

(e) Operations pursuant to an exemption under subsection © and (d) may not commence for five working days from the date of the Director's receipt of the exemption unless this delay is waived by the Director, after consultation with other state agencies. The Director shall determine whether the exemption is complete, and if so, shall send a copy of a notice of acceptance to the submitter. If the exemption is not complete and accurate, it shall be returned to the submitter and the timber operator may not proceed. If the Director does not act within five days of receipt of the exemption, timber operations may commence.

(f) On parcels of 20 acres or less in size within the Lake Tahoe Basin, that are not part of a larger parcel of land in the same ownership, the removal of dead or dying, (regardless of the definition of "dying trees" in section 895.1, dying means: will be dead within 1 year, based on the judgement of an RPF) trees as marked by an RPF and for which a Tahoe Basin Tree Removal Permit has been issued, when the following conditions are met:

(1) Tree removal on high erosion hazard lands (Bailey's Land Capability Districts 1a, 1c, or 2 per Land Capability Classification of the Lake Tahoe Basin, California-Nevada: A Guide for Planning by R.G. Bailey, USDA Forest Service, 1974) shall only be conducted using the following methods: helicopter, over-snow where no soil disturbance occurs, hand carry, and use of existing roads.

(2) Tree removal in Stream Environment Zones ("SEZs," Bailey's Land Capability District 1b) shall be permitted as in the preceding section (f)(1). End-lining may also be used provided that soils are dry, all heavy equipment remains outside the SEZ, and site conditions are such that soils or vegetation will not be adversely affected and a discharge of earthen materials to surface waters, SEZs, or 100-year floodplains will not occur.

(3) No tractor or heavy equipment (ground-based) operations on slopes greater than 30% except over-snow operations that result in no soil disturbance.

(4) No heavy equipment operations within the standard width of a watercourse or lake protection zone (WLPZ), as defined in 14 CCR 956.4(b), except for use or maintenance of existing roads, maintenance of drainage facilities or structures, or use of skid crossings approved pursuant to (f)(9) below.

(5) No new road construction or reconstruction, as defined in 14 CCR 895.1.

(6) No tractor or heavy equipment operations on known slides or unstable areas.

(7) No timber harvesting within the standard width of a watercourse or lake protection zone, as defined in 14 CCR 956.4 (b), except sanitation-salvage harvesting, as defined in 14 CCR 953.3, where immediately after completion of operations, the area shall meet the stocking standards of 14 CCR 952.7(b)(2), or, except the removal of dead or dying trees where consistent with 14 CCR 956.4 (b). Trees to be harvested shall be marked by, or under the supervision of, an RPF prior to timber operations.

(8) All Class III watercourses shall have at least 25-foot WLPZ.

(9) No watercourse crossings of Class I or Class II watercourses except on existing bridges or existing culvert crossings. Any and all crossings proposed for Class III or Class IV watercourses shall be approved by staff of the Regional Water Quality Control Board (RWQCB) prior to operations.

(10) No known sites of rare, threatened or endangered plants or animals will be disturbed, threatened or damaged.

(11) No timber operations within the buffer zone of a sensitive species, as defined in 14 CCR 895.1.

(12) No timber operations on historical or archaeological sites. Information on some of these sites may be available from the Information Centers of the California Historical Resources Information System within the Department of Parks and Recreation.

(13) The landowner shall allow access to the property for inspections by staff of the RWQCB.

(14) A person shall comply with all operational provisions of the Forest Practice Act and District Forest Rules applicable to "Timber Harvest Plan", "THP", and "plan".

(15) Subsection (f) ~~shall~~ expires ~~January 1, 2001~~ December 31, 2002.

Note: Authority cited: Sections 4551, 4553 and 4584 Public Resources Code. Reference: Sections 4527 and 4584, Public Resources Code. EPIC v California Department of Forestry and Fire Protection and Board of Forestry (1996) 43 Cal. App.4th 1011.

5. Forest Practice Rule Modifications Approved by the Board for January 1, 2001 Implementation

Watershed Protection Extension, 2000

Proposed Rule Language

Amend § 895.1. Definitions.

Note: The following subsection, which was added to the very end of this section (14 CCR § 895.1) following all other rule language, shall be revised as follows:

(1) The amendments to 14 CCR § 895.1 adopted on March 15, 2000 and April 4, 2000, which became effective July 1, 2000, shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7 and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1, 21001(f), 21080.5, 21083.2 and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 Cal.Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Amend § 898 Feasibility Alternatives

(a) The amendments to 14 CCR § 898 that became effective July 1, 2000 shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551 and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4551.5, and 4582.75, Public Resources Code; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Amend § 898.2 Special Conditions Requiring Disapproval of Plans

(i) The amendments to 14 CCR § 898.2 that became effective July 1, 2000 shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4555 and 4582, Public Resources Code. Reference: Sections 2053, 2080.1, 2090-2097, 2830 and 2835, Fish and Game Code; Sections 4555, 4582.7 and 4582.75, Public Resources Code; Section 51115.1, Government Code; the federal Endangered Species Act of 1973, 16 U.S.C. et seq.; and *Laupheimer v. State* (1988) 200 Cal.App.3d 440; 246 Cal.Rptr. 82.

Amend §§ 914.8, 934.8, and 954.8 Tractor Road Watercourse Crossing

(g) The amendments to 14 CCR § 914.8 [934.8, 954.8] that became effective July 1, 2000 shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4551.5, and 4553, Public Resources Code. Reference: Sections 4512, 4513, 4527, 4562.5, 4562.7, and 4582, Public Resources Code.

Amend §§ 916, 936, and 956 Intent of Watercourse and Lake Protection.

(e) The amendments to 14 CCR §§ 916 [936, 956] that became effective July 1, 2000 shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 4512, 4513, 4551.5, 4552, 4562.5, 4562.7, 21001(b), (f), 21002 and 21002.1, Public Resources Code; and Sections 100, 1243, 1243.5, 13001, 13001(f), 13146 and 13147, Water Code.

Amend §§ 916.2, 936.2, and 956.2 Protection of the Beneficial Uses of Water and Riparian Functions.

(d) The amendments to 14 CCR § 916.2 [936.2, 956.2] that became effective July 1, 2000 shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

Amend §§ 916.9, 936.9, and 956.9 Protection and Restoration in Watersheds with Threatened or Impaired Values.

(y) This section shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

Amend §§ 916.11, 936.11, and 956.11 Effectiveness and Implementation Monitoring

(b) This section shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

Amend §§ 916.12, 936.12, and 956.12 Section 303(d) Listed Watersheds

(f) This section shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4562.7 and 21000(g), Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

Amend §§ 923.3, 943.3, and 963.3 Watercourse Crossings

(h) The amendments to 14 CCR §§ 923.3 [943.3, 963.3] that became effective July 1, 2000 shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4551.5, and 21004, Public Resources Code. Reference: Sections 4512, 4513, 4551, 4551.5, 4562.5 and 4562.7, Public Resources Code; 40 CFR 130.2(q); and California Case Law: *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1972) 59 Cal. App. #d 959, 131 Cal Rptr. 172.

Amend §§ 923.9 [943.9, 963.9] Roads and Landings in Watersheds with Threatened or Impaired Values.

(g) This section shall expire on December 31, ~~2000~~ 2001.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4562.7 and 21000(g), Public Resources Code.
Reference: Sections 751, 4512, 4513, 4551, 4551.5, 4562.5, 4562.7, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; Sections 1600 and 5650(c), Fish and Game Code; and *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal.App. 3d 959, 131 Cal.Rptr. 172.

Lake County Scenic Corridor Rules, 2000 Proposed Rule Language

Adopt § 945 Lake County Rules

In addition to forest practice rules applying in the Northern Forest District, these rules shall apply within the areas of Lake County designated as Scenic Combining District. Where the general rules conflict with the Lake County rules, the Lake County rules shall apply.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section

Adopt § 945.1 Statement of Purpose

The purpose of these rules is to:

- (a) insure that the visual and aesthetic sites identified within the Scenic Combining District are adequately identified and protected,
- (b) provide direction to RPFs preparing Plans which, for the purposes of this section, include THPs, MTHPs, NTMPs, PTEIRs, Notices of Emergency Timber Operations, and any Exemptions Notices pursuant to 14 CCR §§ 1038 and 1104.1,
- (c) provide direction to the timber operator conducting timber operations,
- (d) provide direction to the Department in its review, approval, and inspection programs.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

Adopt § 945.2 Definitions

"Scenic Combining District" means a zone of varying widths adjacent to county and state maintained roadways and certain state and county roads as adopted by county ordinance. The Scenic Combining District is administered by the Community Development Department of Lake County.

Scenic Combining District width is measured from the edge of the roadway and may extend on both sides of the road. The width of the Scenic Combining District is identified, mapped, and administered by the Community Development Department.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

Adopt § 945.3 Timber Harvest Prescriptions

The following rules shall be applied to all areas designated Scenic Combining District. Limited timber harvesting may be allowed within the Scenic Combining Districts using the following criteria:

(a) Selection. In the areas designated as Scenic Combining Districts, only the selection regeneration method and commercial thinning shall be used. The group selection method (14 CCR § 933.2(a)(2)(B)) shall not be used.

(1) A map that clearly defines the location and extent of the Scenic Combining District occurring on the site to be harvested shall be submitted with the Plan.

(2) Trees to be harvested shall be marked by or under the supervision of an RPF. All trees to be harvested shall be marked within the Scenic Combining District prior to a preharvest inspection for evaluation.

(3) In all areas designated as Scenic Combining Districts, at least 75 square feet per acre of conifer basal area shall be retained.

(4) Post harvest stand stocking levels of conifers shall be stated in the Plan. The level of residual stocking shall be consistent with maximum sustained production for high quality timber products. In no case shall conifer stocking levels per acre be reduced below the following standards:

(A) Within the first 150 feet of the Scenic Combining District, at least 50% of the trees 18 to 24 inches dbh, and 50% of the trees 26 inches dbh and larger, shall be retained.

(B) Between 150 and 300 feet of the Scenic Combining District, at least 50% of the trees less than 18 inches dbh, 40% of the trees 18 - 24 inches dbh, and 33% of the trees 26 inches dbh and larger shall be retained.

(C) Between 300 feet and the outermost boundary of the Scenic Combining District, 75 square feet of basal area per acre shall be retained.

(b) Logging roads, tractor roads, and landings shall be screened from direct view to the extent feasible by leaving trees and vegetation between the disturbed areas and vista points that would attract viewers.

(c) Hardwoods shall be considered for the purposes of aesthetic enhancement and a minimum of 25% of the pre-harvest hardwood basal area shall be retained.

(d) A second harvest shall not be conducted sooner than ten years following completion of an initial harvest unless an emergency condition exists pursuant to 14 CCR § 1052 *et seq.* in the interim, or pursuant to a conversion exemption (14 CCR § 1104.1).

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

Adopt § 945.4 Hours of Operation

Within 300 feet of any occupied dwelling, the operation of power equipment, including chain saws, except licensed highway vehicles, shall be restricted to the hours between 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturdays, Sundays and nationally designated holidays. The Director may grant an exception to this rule where the Director has found that no disturbance will result to the occupants of the dwelling from the use of such equipment.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

Adopt § 945.5 Exempt and Emergency Notice Operations

Timber operations may be conducted within the Scenic Combining District in compliance with an Exemption pursuant to 14 CCR § 1038, an Exemption pursuant to 14 CCR § 1104.1, or an Emergency Notice pursuant to 14 CCR § 1052. Such operations, when feasible, shall be conducted in a manner consistent with the limitations described in 14 CCR §§ 945.3(a), subsections (1), (2), and (3); 945.3(b); 945.3(c); and 945.4.

Note: Authority cited: Section 4516.5, Public Resources Code. Reference: Section 4516.5, Public Resources Code.

CALWATER Number Inclusion, 2000 **Proposed Rule Language**

Amend § 925.4 Contents of the Plan [Santa Clara County]

14 CCR 1034, subsection (g) and that portion of (x) pertaining to map size shall not apply in Santa Clara County (all of subsections (x)(1) through (x)(14) shall apply.). In lieu of those subsections, the following shall apply:

~~(a) A description of the plan area within which timber operations are to be conducted, indicating section, township, range, county and approximate acreage, and assessor's parcel number(s) for the assessor's parcels within which a plan is submitted.~~

(a) A description of the plan area within which timber operations are to be conducted. The description shall include the following:

(1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s),

(2) township, range, and section number(s),

(3) county name(s),

(4) CALWATER 2.2 planning watershed number(s),

(5) approximate acreage, and

(6) assessor's parcel number(s) for the assessor's parcels within which a plan is submitted.

(b) The estimated number of logging truck loads to be removed and the approximate number of daily trips.

(c) The following information shall be clearly provided on a reproducible 1" = 500' topographic map showing 40 ft. contour intervals, provided such maps are available from the county at nominal cost. Additional maps may be required to show specific details, and may be planimetric. Color coding shall not be used. A legend shall be included indicating the meaning of the symbols used. See district rules for the appropriate minimum mapping acreages.

(1) The location of scenic roads as designated by the County General Plan or in another document officially adopted by the county.

(2) Location of all structures (including mobile homes or trailers) currently maintained for human habitation within 200 ft. as measured along the surface of the ground from the boundary of the plan area.

(d) On timber operations requiring submission of a plan, all routes to be used for removing forest products from the plan area to the mill or county line shall be shown on a road map submitted with the plan. A proposed change in the use of public roads that are part of the haul route shall be presumed to be a substantial deviation unless the plan submitter requests that the proposed change be considered a minor deviation in accordance with the procedures set forth in 14 CCR 1036 and 1040 and the Director so determines. The Director shall consult with County Transportation Agency before giving approval.

(e) A statement shall be prepared indicating the proposed type, quantity, purpose and method of application of any chemicals listed as restricted by the State Department of Food and Agriculture that are to be used.

Note: Authority cited: Section 4516.5 and 4551, Public Resources Code. Reference: Section 4516.5, 4551 and 4553, Public Resources Code.

Amend § 927.2 Contents of Plan [Marin County]

All of subsections (x)(l) through (x)(14) of 14 CCR 1034 shall apply in Marin County. Subsection (g) and that portion of (x) pertaining to map size shall not apply and in lieu of those subsections, the following shall apply:

~~(a) A description of the plan area within which timber operations are to be conducted, indicating section, township, range, county and approximate acreage, and assessor's parcel number(s) for the assessor's parcels within which a plan is submitted.~~

(a) A description of the plan area within which timber operations are to be conducted. The description shall include the following:

(1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s),

(2) township, range, and section number(s),

(3) county name(s),

(4) CALWATER 2.2 planning watershed number(s),

(5) approximate acreage, and

(6) assessor's parcel number(s) for the assessor's parcels within which a plan is submitted.

(b) The estimated number of logging truck loads to be removed and the approximate number of daily trips.

(c) The following information shall be clearly provided on a reproducible 1"=500' topographic map showing 40 ft. contour intervals, provided such maps are available from the county at nominal cost. (Nominal cost for the purposes of this subsection shall not exceed \$10.) If this map is not available, the map requirement in 14 CCR 1034(x) shall apply. Additional maps may be required to show specific details, and may be planimetric. Color coding shall not be used. A legend shall be included indicating the meaning of the symbols used. See district rules for the appropriate minimum mapping acreage.

(1) Location of Marin County Recreation Corridor (CRC), scenic corridors, conservation zones, as identified in the Marin Countywide Plan of April, 1982 and special treatment areas designated by the County General Plan of 1982 or in any other document officially adopted by the county.

(2) Location of all structures (including mobile homes or trailers) currently maintained for human habitation within 200 ft. as measured along the surface of the ground from the boundary of the plan area.

(d) On timber operations requiring submission of a plan, all routes to be used for removing forest products from the plan area to the mill or county line shall be shown on a road map submitted with the plan. A proposed change in the use of public roads that are part of the haul route shall be presumed to be a substantial deviation unless the plan submitter requests that the proposed change be considered a minor deviation in accordance with the procedure set forth in 14 CCR 1036 and 1040 and the Director so determines. The Director shall consult with County Transportation District before giving approval. The plan shall identify the location of schools along the haul route and shall specify their hours of operation.

(e) Plan maps must show the location of and identify the following: all log landings proposed to be used, and all main tractor roads on slopes over 50%, all logging roads, all watercourses, lakes, and marshes and boundaries of the CRC within or contiguous to the plan area.

(f) A statement shall be prepared indicating the proposed type, quantity, purpose and method of application of any chemicals listed as restricted by the State Department of Food and Agriculture that are to be used.

(g) The plan shall include a brief statement describing any additional proposed uses for the land in addition to timber harvesting (e.g., a residential or commercial development) for a period of five years.

(h) Whenever new road construction is proposed and the plan submitter owns or controls any property contiguous to the parcel or parcels on which timber operations are proposed, and such contiguous property contains timberland, the RPF shall include a map and explanation of how the new road is integrated into the existing or proposed truck road and associated transportation system, for all the contiguous property owned or controlled by the plan submitter on which timberland is found. Such proposed integrated truck road and associated transportation system shall be reviewed in connection with review of the proposed plan, and the plan shall be modified, if necessary, to assure that the approved plan will be compatible and consistent with timber operations on the contiguous property.

(i) The THP shall include a plan for safe access to a public roadway from the site of operations. The plan submitter shall be required to consult with County officials in designing the access plan, and shall attach to the THP a County encroachment permit if one has been approved.

(j) The plan submitter shall identify any publicly owned water purveyor within the drainage and indicate on the plan whether a watershed protection agreement with any publicly owned water purveyor has been obtained for the proposed operation and append any such agreement to the plan. Any such agreement shall be appended for information purposes only. If no such agreement has been reached with the water purveyor, the plan submitter shall attach any previous correspondence to and from the water purveyor concerning the proposed timber operation.

(k) If a road or landing to be constructed or improved as part of the proposed timber operation is planned to be used to serve or facilitate a residential or commercial development, the plan submitter shall obtain a grading permit from the county and attach any such permit to the plan, for information purposes only.

Note: Authority cited: Section 4516.5 and 4551, Public Resources Code. Reference: Section 4516.5, 4551 and 4553, Public Resources Code.

Amend § 1034 Contents of Plan

The plan shall serve two functions: to provide information the Director needs to determine whether the proposed timber operation conforms to the rules of the Board; and to provide information and direction to timber operators so that they comply with the rules of the Board. For the plan to serve these functions, it shall, as a minimum, contain the following information:

- (a) Name, address, and telephone number of the timber owner(s).
- (b) Name, address and telephone number of the timberland owner(s).
- (c) Name, address telephone number, and license number of the timber operator(s).
- (d) Name, address, and telephone number of a person to be contacted on the operation who will be responsible for the conduct of the timber operation. If unknown at the time of plan submission, it shall be provided prior to the start of timber operations.
- (e) Name, address, and telephone number of the plan submitter. If the submitter is not a person indicated in (a), (b), or (c) above, an explanation of his/her authority to submit the plan shall be provided.
- (f) Name, address, telephone number, and registration number of RPF who prepared the plan. The plan required for timberland conversion does not have to be prepared by an RPF.
- ~~(g) A description of the plan area within which timber operations are to be conducted, showing section, township, range, county, and approximate acreage. Parcel numbers are optional additional information that may be provided.~~
- (g) A description of the plan area within which timber operations are to be conducted. The description shall include the following:
 - (1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s).
 - (2) township, range, and section number(s).
 - (3) county name(s).
 - (4) CALWATER 2.2 planning watershed number(s), and
 - (5) approximate acreage
- (h) The forest district and subdistrict (if any) in which the timber operation is located.
- (i) Whether a timberland conversion certificate is in effect, its date of expiration, and its identification number.
- (j) Whether a plan is on file with the Department for any part of the plan area for which a Report of Satisfactory Stocking has not been issued by the Department (show plan number).
- (k) Expected dates of commencement/completion of timber operations.
- (l) The types of forest products to be harvested and if management of broadleaf or optional species is being proposed.
- (m) Identity of the regeneration methods, intermediate treatments, special harvesting methods, alternative prescriptions, and any information specified by the district rules. Also for THPs that do not reference an approved Sustained Yield Plan, or do not demonstrate achievement of MSP pursuant to 913.11(c), the following applies:
 - (1) The plan shall provide a description of the stand before and after harvesting including: volume, growth projection, stocking, and species composition.
 - (2) The Director may require such additional information as necessary and feasible to demonstrate how maximum sustained production of high quality timber products will be achieved for an ownership within a THP.
- (n) Type of yarding (logging) systems and equipment to be used. Yarding systems will be placed in one or more of the following groups:
 - (1) Animal
 - (2) Tractor, skidder, forwarder

- (3) Cable
 - (A) Ground-lead
 - (B) High-lead
 - (C) Skyline
- (4) Balloon, helicopter
- (5) Other, as explained in the plan
- (o) Explanation and location of new roads wider than single lane with turnouts.
- (p) Whether the RPF has informed the timber owner, timberland owner and timber operator of their responsibilities for compliance with the stocking requirements of the Act and rules, and for maintenance of erosion control structures.
- (q) Whether the RPF will be supplying the timber operator with a copy of the approved THP.
- (r) How the requirements of 14 CCR 1032.7(f) are to be met.
- (s) If an archaeological survey has been made on the area to be harvested.
- (t) If there are any recorded archaeological or historical sites in the area to be harvested, and how the sites are to be protected if they exist.
- (u) Where the timber owner or timberland owner has not signed the plan, indication that written notice of such plan has been given to either or both of these persons, as required by 14 CCR 1032.7(b).
- (v) Whether there are any adverse insect, disease, or pest problems in the plan area and what mitigating measures, if any, will be used to improve the health and productivity of the stand.
- (w) Information on the presence and protection of known habitat or individuals of any listed species and information on the presence and protection of non-listed species which may be significantly impacted by the timber operation.
- (x) On titled USGS (if available) or equivalent topographic maps of a scale not less than 2" to the mile, the information in subsections (1-4), (8), (9), and (11-13) shall be clearly shown. Additional maps, which may be topographic or planimetric, may be used to provide the information required in the other subsections or show specific details, to improve map clarity. The appurtenant roads referenced in subsection (4) may be shown on a map which may be planimetric with a scale as small as one-half inch equals one mile. Color coding shall not be used. A legend shall be included indicating the meaning of the symbols used. See the district rules for the appropriate minimum mapping acreages.
 - (1) Boundaries of logging area (shall be shown on quadrangle map or its equivalent).
 - (2) Boundaries of regeneration methods, intermediate treatments, special harvesting methods, and alternative prescriptions that are to be applied.
 - (3) Boundaries of yarding (logging) systems, if more than one system is to be used.
 - (4) Location of public roads and those private roads to be used for timber operations within the plan area, and private roads appurtenant to the timber operations where such roads are under the ownership or control of the timber owner, timberland owner, timber operator, or submitter of the plan, and classification of all proposed and existing logging roads as permanent, seasonal, or temporary roads.
 - (5) Probable location of proposed and existing landings in the watercourse and lake protection zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction involves substantial excavation.
 - (6) Road failures on existing roads to be reconstructed.

- (7) Location of all watercourse crossing of classified watercourses except temporary crossings of Class III watercourses without flowing water during timber operations at that crossing.
- (8) Location of erosion hazard rating areas, if more than one rating exists.
- (9) Location of all watercourses with Class I, II, III, or IV waters.
- (10) Location of known unstable areas or slides.
- (11) Location of understocked areas prior to timber operations, and other areas not normally bearing timber to at least a 20-acre minimum, or as specified in the district rules.
- (12) Location of boundaries of timber-site classes needed for determination of stocking standards to be applied, down to at least a 20-acre minimum or as specified in the district rules.
- (13) Location of main ridge tops on the logging area suitable for fire suppression efforts that will require the felling of snags.
- (14) Location of Coastal Commission Special Treatment Areas or any special treatment area.
- (15) Location for which heavy equipment use is proposed on unstable areas, or on areas for which tractor use is proposed beyond the limitations of the standard forest practice rules.
- (16) Location of any in lieu use of heavy equipment and location of roads other than crossings in the WLPZ, marshes, wet meadows, and other wet areas.
- (17) Location of any new or reconstructed road segment(s) that exceed an average 15% grade for over 200 feet.
- (y) Any additional information that is submitted on separate pages shall be clearly marked "plan addendum" and shall bear the date on which it was prepared.
- (z) Explanation and justification for, and specific measures to be used for tractor operations on unstable areas, on slopes over 65%, and on areas where slopes average over 50% and the EHR is high or extreme.
- (aa) Explanation and justification for tractor operations in areas designated for cable yarding.
- (bb) Winter period operating plan where appropriate.
- (cc) Explanation and justification for use of watercourse, marshes, wet meadows, and other wet areas as landings, roads, or skid trails.
- (dd) Explanation and justification of any in-lieu practices for watercourse and lake protection.
- (ee) Explanation of alternatives to standard rules for harvesting and erosion control.
- (ff) Explanation and justification for landings that exceed the maximum size specified in the rules.
- (gg) Any other information required by the rules or the Act to be included in the plan. The district rules provide for exceptions and alternatives to standard requirements that require inclusion of information in the THP.
- (hh) Where roads, watercourse crossings, and associated landings in the logging area will be abandoned, the methods for abandonment shall be described.
- (ii) On a map complying with subsection 1034(x), the locations and classifications of roads, watercourse crossings, and landings to be abandoned shall be shown.
- (jj) A general description of physical conditions at the plan site, including general soils and topography information, vegetation and stand conditions, and watershed and stream conditions.

Note: Authority cited: Section 4551 and 4552, Public Resources Code. Reference: Section 4527, 4582 and 4583, Public Resources Code.

Amend § 1090.5 Contents of NTMP

The plan shall serve three functions: 1) to provide information the Director needs to determine whether the proposed NTMP conforms to the rules of the Board; 2) to provide information and direction for timber management so it complies with the rules of the Board and the management objectives of the landowner; and 3) to disclose the potential effects of timber management to the public. For the plan to serve these functions, it shall, as a minimum, contain the following information:

- (a) Name, address, and telephone number of the timberland owner(s) or designated agent.
- (b) Name, address, and telephone number of the timber owner(s) (if different).
- (c) Name, address, telephone number, and registration number of RPF who prepared the plan.
- ~~(d) A description of the plan area within which timber operations are to be conducted, including section, township, range, county, and approximate acreage. Parcel numbers are optional additional information that may be provided.~~
- (d) A description of the plan area within which timber operations are to be conducted. The description shall include the following:
 - (1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s).
 - (2) township, range, and section number(s).
 - (3) county name(s).
 - (4) CALWATER 2.2 planning watershed number(s), and
 - (5) approximate acreage
- (e) The forest district and subdistrict (if any) in which the NTMP is located.
- (f) A description of present and proposed plan area uses other than timber production.
- (g) A description by management unit(s) of the timber stand characteristics including species composition, age classes, projected growth, present stocking level, present volume per acre, size class distribution, stand management history, and potential pest or protection problems. The description shall provide the basis for the information provided.
- (h) A description by management unit(s) of the proposed management objectives, including a discussion of projected timber volumes and sizes available for timber harvesting.
- (i) A description by management unit(s) of proposed activities to achieve the management objectives. This must include: 1) projected frequencies of harvest, 2) silvicultural prescriptions for harvesting, 3) type of yarding systems to be used for each area; 4) anticipated interim management activities which may result in rule compliance questions (i.e. erosion control maintenance).
- (j) The period of time over which growth will be balanced with harvest.
- (k) A description of any cultural or historical resources known to exist with a description of possible impacts and protection methods to be used during timber operations.
- ~~(m)~~(l) Whether a timberland conversion certificate is in effect, its date of expiration, and its identification number.
- ~~(n)~~(m) Whether a timber harvesting plan is on file with the Department for any part of the plan area and if a Report of Satisfactory Stocking has been issued by the Department (show plan number).
- ~~(o)~~(n) Information on the presence and protection of any known key habitat or

individuals of any threatened or endangered plant or animal species that are listed in DFG inventories prepared pursuant to the F&GC or any species of special concern as designated by the Board in these rules.

~~(p)~~(o) A description of potential impacts and protections for the quality and beneficial uses of waters within watercourses, lakes, and wet areas.

~~(q)~~(p) A description of soils, surface erosion hazard, mass wasting erosion hazard, and erosion control measures.

~~(r)~~(q) A description of the existing and proposed road system to be used in implementation of the management plan.

~~(s)~~(r) A description of how the site preparation standards and stocking standards will be met.

~~(t)~~(s) A description of the proposed yarding methods including protection of residual trees, watercourse crossings, operation on unstable areas.

~~(u)~~(t) A description of slash treatment for site preparation, fire protection and pest protection consideration.

~~(v)~~(u) A description of the cumulative effects analysis with supporting information, including impact of projected harvesting over the life of the plan.

~~(w)~~(v) A copy of the forest practice regulations in effect at the time of submission.

~~(x)~~(w) On a USGS quadrangle or equivalent topographical map of a scale not less than 2" to the mile, the following information shall be clearly provided. Additional maps may be required to show specific details, and may be planimetric. Color coding shall not be used. A legend shall be included indicating the meaning of the symbols used. See the district rules for the appropriate minimum mapping acreages.

(1) Boundaries of management plan(s) and management unit(s).

(2) Boundaries of regeneration methods, intermediate treatments, special harvesting methods, and alternative prescriptions that are to be applied.

(3) Boundaries of yarding (logging) systems, if more than one system is to be used.

(4) Location of public roads within the plan area, and private roads appurtenant to the timber operations where such roads are under the ownership or control of the timberland owner and are contiguous with the plan area, and classification of all proposed and existing logging roads as permanent, seasonal, or temporary roads.

(5) Probable location of proposed and existing landings in the watercourse and lake protection zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction involves substantial excavation.

(6) Road failures on existing roads to be reconstructed.

(7) Location of all existing and proposed permanent watercourse crossing drainage structures and temporary crossings on Class I and II watercourses on roads; if a permanent culvert is involved, its minimum diameter shall be provided.

(8) Location of area(s) of high or extreme erosion hazard rating.

(9) Location of all watercourses with Class I, II, III, or IV waters.

(10) Location of known unstable areas or slides.

(11) Location of understocked areas and other areas not normally bearing timber to at least a 20-acre minimum, or as specified in the district rules.

(12) Location of boundaries of timber-site classes needed for determination of stocking standards to be applied, down to at least a 10-acre minimum or as specified in the district rules.

(13) Location of unique areas including, Coastal Commission Special Treatment Areas or any special treatment area.

(14) A soils map where available.

~~(y)~~(x) Any additional information that is submitted on separate pages shall be

clearly marked "plan addendum" and shall bear the date on which it was prepared.

~~(z)~~(y) Explanation and justification for, and specific measures to be used for, tractor operations on unstable areas, on slopes over 65%, and on areas where slopes average over 50% and the EHR is high or extreme.

~~(aa)~~(z) Explanation and justification for tractor operations in areas designated for cable yarding.

~~(bb)~~(aa) Winter period operating plan where appropriate.

~~(cc)~~(bb) Explanation and justification for use of watercourse, marshes, wet meadows, and other wet areas as landings, roads, or skid trails.

~~(dd)~~(cc) Explanation and justification of any in-lieu or alternative practices for watercourse and lake protection.

~~(ee)~~(dd) Explanation of alternatives to standard rules for harvesting and erosion control.

~~(ff)~~(ee) Explanation and justification for landings that exceed the maximum size specified in the rules.

~~(gg)~~(ff) Any other information required by the rules or the Act to be included in the plan. The district rules provide for exceptions and alternatives to standard requirements that require inclusion of information in the NTMP.

~~(hh)~~(gg) Where roads, watercourse crossings, and associated landings in the logging area will be abandoned, the methods for abandonment shall be described.

~~(ii)~~(hh) On a map complying with subsection 1090.6(x), the locations and classifications of roads, watercourse crossings, and landings to be abandoned shall be shown.

~~(jj)~~(ii) A certification by the RPF preparing the plan that he, she, or a designee personally inspected the area.

Note: Authority cited: Stats. 1989, Ch. 1290, Sec. 13, Sections 4551 and 4593.3, Public Resources Code.
Reference: Sections 4593 and 4593.3, Public Resources Code.

Amend § 1092.09 PTHP Contents

The purpose of the PTHP is to provide guidance for implementation of the standards and protective measures in the certified PTEIR. For the PTHP to serve these functions it shall contain the following:

(a) Identification number of the PTEIR and where it can be reviewed;

(b) The name and address and phone number of the timberland owner, the timber owner, the RPF, the Licensed Timber Operator and license number and the person responsible for on the ground supervision of the timber operations. If the Licensed Timber Operator is not known at the time of plan submission, this information shall be provided prior to the start of timber operations.

(c) Expected dates of commencement and completion of timber operations.

(d) A legal description of the area of the PTHP on which timber operations will be conducted. The description shall include the following:

(1) U.S. Geological Survey (USGS) Quadrangle name(s) and date(s),

(2) township, range, and section number(s),

(3) county name(s),

(4) CALWATER 2.2 planning watershed number(s), and

(5) approximate acreage.

(e) Identification of silvicultural prescriptions to be applied.

(f)(1) A confidential Archaeological Addendum as defined in 895.1, if the PTHP covers 3.0 acres or more, or,

(2) A statement by the RPF that the area covered by the PTHP has been surveyed in accord with current Forest Practice Rules, and a Confidential Archaeological Addendum was filed and approved as part of the PTEIR associated with the PTHP, or the area covered by the PTHP is less than 3.0 acres.

(g) A statement that no significant adverse impacts would occur to any threatened, or endangered plant or animal species in the area of the PTHP or that if timber operations are being conducted in compliance with an accepted "no take" or authorized incidental "take" procedure, either of which has authorization or concurrence of a wildlife agency acting within its authority under state or federal endangered species acts for a listed species, the PTHP shall so state.

(h) A statement that there have been no physical environmental changes in the PTHP area that are so significant as to require any addendum or supplement to the PTEIR;

(i) Special provisions, if any, to protect any unique area within the area of timber operations.

(j) A certification by the RPF that he or she or a supervised designee has personally inspected the PTHP area.

(k) A verification that the LTO has been briefed by the RPF or supervised designee on the contents and operational requirements of the PTHP prior to the start of timber operations.

(l) On a titled USGS quadrangle or equivalent topographic map of a scale not less than 2" to the mile, the information subsections (1-5) shall be clearly shown. Additional maps, which may be topographic or planimetric may be used to provide the information required in other subsections or show specific details, to improve map clarity. The appurtenant roads referenced in subsection (5) may be shown on a map which may be planimetric with a scale as small as one-half inch equals one mile. Color coding shall not be used. A legend shall be included indicating the meaning of the symbols used. See the district rules for the appropriate minimum mapping acreage.

(1) Boundaries of the area to be harvested.

(2) Boundaries of areas for specified regeneration methods, intermediate treatments, special harvesting methods, and alternative prescriptions that are to be applied.

(3) Boundaries of the Site Class of timberlands within the PTHP area.

(4) Boundaries of areas for specified yarding (logging) systems, if more than one system is to be used;

(5) Location of public roads within the PTHP, and private roads appurtenant to the timber operations where such roads are under the ownership or control of the timber owner, timberland owner or timber operator, and classification of all proposed and existing logging roads as permanent, seasonal, or temporary roads.

(6) Location of proposed and existing landings in the watercourse and lake protection zone, and landings outside the zone that are greater than 1/4 acre in size or whose construction involves substantial excavation.

(7) Road failures on existing roads to be reconstructed.

(8) Location of all watercourse crossings of classified watercourses except temporary crossings of class III watercourses without flowing water during timber operations at that crossing.

(9) Location of erosion hazard rating areas, if more than one rating exists.

(10) Location of watercourse with Class I, II, III or IV waters.

(11) Location of known unstable areas or slides.

Location of unique areas.

(m) Type of yarding (logging) systems and equipment to be used. Yarding systems will be placed in one or more of the following groups:

- (1) Animal
- (2) Tractor, skidder, forwarder
- (3) Cable
 - (A) Ground-lead
 - (B) High-lead
 - (C) Skyline
- (4) Balloon, helicopter
- (5) Other, as explained in the PTHP

(n) A completed checklist from the certified PTEIR shall be attached to the PTHP and shall contain a listing of the practices which deviate from standard operational rules of the Board as presented in the PTEIR.

(o) Explanation and justification of any operational practices which are not specified in the certified PTEIR and which are allowed by the rules with explanation and justification.

(p) A certification by the RPF preparing the PTHP that the proposed operations are within the scope of the environmental analysis contained in the PTEIR as set forth in 14 CCR 1092 and therefore will not result in any significant environmental impacts beyond those addressed in the PTEIR.

Note: Authority cited: Sections 4551 and 4552, Public Resources Code. Reference: Section 4581, Public Resources Code.

6. Revised Policies for Professional Foresters Registration

Note: Proposed deletions are shown in ~~striketrough~~, additions in underline. Those items which are currently underlined, and not proposed for modification, are shown in double underline.

DRAFT

ADOPTED BY THE BOARD OF FORESTRY AND FIRE PROTECTION

ON ~~AUGUST 9, 1995~~ OCTOBER 4, 2000

POLICY STATEMENTS

A policy prescribes specific procedures of the licensing office for Professional Foresters, and is presented so it is known to interested persons. These policies do not constitute an underground regulation pursuant to the Government Code. These policies, unless otherwise changed, expire December 31, ~~1999~~ 2004 without specific re-approval by the Board.

POLICY NUMBER 1 FOR PROFESSIONAL FORESTERS REGISTRATION

REVIEW OF APPLICATIONS. All applications are reviewed first by the Executive Officer who determines action under Public Resources Code (PRC), Sections 750 et seq., and Title 14, California Code of Regulation (14 CCR), Sections 1600, et seq. as follows:

- (a) Applications which are incomplete will be returned to the applicant for completion, or retained pending submission of supporting documents. The burden of proof rests with the applicant and, therefore, so does the responsibility for any such delays beyond the time frames and deadlines established by codes.
- (b) ~~The applications~~ ^{Applicants} whose applications are complete and verified as meeting the experience requirements, will have their names forwarded to the Examining Committee with recommendation of authorization to take the examination.
- (c) If a applicant's qualifications are unclear or in doubt, the application is reviewed by the Examining Committee, and appropriate action may be taken. The Committee may request clarifying information and/ or delegate to the Executive Officer the option of authorizing the applicant to take the exam after the last PFEC meeting and just prior to taking the exam; authorization just prior to taking the exam may only be done ~~to~~ ^{if} the applicant agrees to waive the thirty (30) day examination authorization notice, and provides the requested clarifying information

POLICY NUMBER 2 FOR PROFESSIONAL FORESTERS REGISTRATION

EXAMINATION SCORING. Examinations are scored by two RPF's retained as Expert Examiners. The Examiners independently grade each question for each person. The Examiners grade the questions from answers supplied by Professional Foresters Licensing Examining Committee. In grading, the Examiners may encounter other appropriate answers which should be accepted and counted in the applicants favor. The Examiners then meet to compare their scores on each question for variation, and after discussion, develop an agreed upon final score for each question. The resulting score on each question is summed and averaged to determine the overall exam score. The name of the applicant is kept confidential, since an applicant's number is the only identification on the exam answer sheet.

POLICY NUMBER 3 FOR PROFESSIONAL FORESTERS REGISTRATION

RECORDS. In regard to the right of the public to know and the right of the individual licensee to privacy, the following governs access to records of Professional Foresters Licensing applies Registration:

- (a) Files pertaining to individual applications or registrants shall be made available only to that person or other person designated in writing, ~~except~~ Professional Foresters Licensing Registration staff or designated persons acting in an official capacity regarding registration may also be granted access to this information. Applicant files will be retained two years from the year of receipt.
- (b) The names of persons denied qualification for the exam or registration will not be released, and information about those denied will not be supplied to anyone except the applicant or other person designated in writing, and those acting in an official capacity regarding Professional Foresters Registration.
- (c) Applicant answers will be retained at least 45 days after mailing of the exam results. The applicant's examination answers or scores will be provided only upon written request ~~in writing to these~~ that applicant or designee, and no scores will be released correlating to names or license numbers. Examination results or scores will not be given out over the phone to anyone. Computerized data regarding exam results and education substitution for qualifying experience will be retained by applicant number. This data retention commenced in 1986.
- (d) The registrant's file and the corresponding computerized data will be maintained while the RPF is currently registered. Upon approval of withdrawal, computerized data regarding the status of the license will be retained; the original data will be restored upon approval of request for reinstatement. Files will be retained during withdrawal status. Persons whose license is revoked through a disciplinary action ~~from discipline~~ will be treated in this same manner.
- (e) A confidential list showing all RPFs and preferred mailing addresses will be maintained indefinitely starting 1984. A list by RPF#, ~~and name~~ and license status is available to the public.

- (f) RPFs whose registration is voluntarily relinquished, revoked for non-renewal, or who have passed away, will have their files held for two years from the year of occurrence.
- (g) Access to investigation files and records is governed by various California Codes. When disciplinary actions by the Board involving suspension or revocation occur, the public has the right to know those items specified in 14 CCR §1612.2 ~~a registrant's name, license number, city of business, and period of time the person's license is to be suspended, or on what date the revocation takes effect.~~ Unless the Board's decision is overturned by a reviewing court order, the circumstances or conditions imposed are available only in the form presented in the Licensing News and news release.

POLICY NUMBER 4 FOR PROFESSIONAL FORESTERS REGISTRATION

PUBLIC NOTICE OF DISCIPLINARY ACTION

~~As part of the public notice requirements of PRC 777, the Board of Forestry directs staff to provide public notice in the Board's publication "Licensing News," and notice in the "Daily Recorder" as generally required for other Board actions. Disciplinary actions shall be reported as follows:~~

- a) ~~Exonerated; Specifics of the case not made public. No notice in the Daily Record, summary only in Licensing News.~~

~~Case number:
Allegation: _____ Possible Grounds for Action
Authority: _____ Code Section(s)
Discipline: _____ None; evaluation only~~

- b) ~~PFEC Letter of Concern or Private Board Reprimand; specifics of the case not made public, no notice in the Daily Recorder, summary only in Licensing News.~~

~~Case number:
Allegation: _____ Possible Grounds for Action
Authority: _____ Code Section(s)
Discipline: _____ Action taken and evaluation~~

- c) ~~Suspension or revocation by the Board or criminal action against non-licensed persons: Specifics of the case made public, notice in both Daily Recorder and Licensing News.~~

~~Case number:
Name and RPF Number:
City of business at time of notice:
Allegation: _____ Description
Authority: _____ Code Section(s)
Discipline: _____ Action taken and evaluation~~

~~Disclosure of information to the news media shall only be in form of a written news release or a~~

~~copy of the Licensing New report. On a case by case basis, the Board may direct the Executive Officer to issue a written news release to be distributed to selected media representatives in the RPF's local area. Explanation of the news release by Foresters Registration staff to a news media person may occur only when the person contacted has either of these items in their possession.~~

POLICY NUMBER 5 FOR PROFESSIONAL FORESTERS REGISTRATION

Statewide Public List - All RPFs by number, name, and status of license.

Public List - A directory of all RPFs who ~~want~~ wish to be listed is ~~produced~~ compiled each year after renewals are finalized. The mailing addresses and phone numbers listed are identified as "preferred" on the RPF information form submitted upon initial licensing and renewal application. This list is provided on request with payment of a duplication fee. The fee is waived for State agencies dealing with forestry matters, libraries, or Forester Registration in other states.

Consultant Lists - A directory of consulting RPF's is ~~produced~~ compiled by ~~C~~county of residence. The service is provided as supplemental to the records kept by Professional Foresters Licensing Registration, and there is no intent to develop or maintain a business directory. A consultant may request on their renewal application to be listed in this directory. This list is available free of charge.

~~Revised~~ Lists will be ~~produced~~ revised annually after the renewal process is complete.

A statement will be included on the consultant list that most consultants provide forestry services statewide, and that the Association of Consulting Foresters maintains a separate list of their members, and provide the address to request same.

All listed information will come directly from the renewal information form as submitted the RPF, and will include: ~~computerized data as shown on the renewal application.~~

- (a) Name - The RPF's first and last name with registration number is the first line printed.
- (b) ~~Status~~ Address - Consultants will have their business name, address and phone listed as noted on the renewal ~~application card~~ information form.

Sub category of the Consultant List: Those RPF's who prepare California Forest Improvement Plans (CFIP) or Forest Stewardship Plans (SIP) -- This list includes the same RPF information on the larger general consultant list.

POLICY NUMBER 6 FOR PROFESSIONAL FORESTERS REGISTRATION

NON-LICENSED PERSONS

Complaints involving non-licensed persons using the title of, or acting in the capacity of a "Professional Forester" without being registered, or otherwise exempted, are acting illegally (PRC, Section 766) and are handled in a manner similar to Policy 8. The Executive Officer may hire expert witnesses to review investigation results and establish prudent standards of conduct.

If ~~the~~ investigation, ~~or~~ expert witness, ~~and or~~ Executive Officer's evaluation show sufficient cause, the appropriate District Attorney General's office may be asked to prosecute the case. Such prosecution may be ~~is~~ based upon unfair or unlawful business practices, or false and misleading advertising. Action against a non-licensed person may include the Civil Code of Procedure, Section 1029.8 which governs cost recovery and punitive awards in the case of damages caused by an unlicensed person.

POLICY NUMBER 7 FOR PROFESSIONAL FORESTERS REGISTRATION

SUMMARY OF CASE LAW FOR PURPOSE OF CLARIFYING GROUNDS FOR RPF DISCIPLINARY ACTION UNDER RESOURCES CODE, SECTION 778(b):

The failures of responsibility which subject a RPF to "Disciplinary Action" (Pursuant to PRC, 778) are summarized as below, to provide general reference and guidance only. CURRENT APPLICABLE CODES AND CASE LAW TAKE PRECEDENCE.

1. Deceit is either:
 - (a) The suggestion, as a fact, of that which is not true, by one who does not believe it be true; or,
 - (b) The assertion, as a fact, of that which is not true, by one who has no reasonable grounds for believing it to be true; or,
 - (c) The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want to communication of that fact; or,
 - (d) A promise, made without any intention of performing it. Civil Code, Section 1710.

Fraudulent Deceit: "One who willfully deceives another with intent to induce him to alter his position to his injury or risk, is liable for any damages which he thereby suffers." Civil Code, Section 1709.

Deceit Upon the Public: "One who practices a deceit with intent to defraud the public, or a particular class of persons, is deemed to have intended to defraud every individual in that class,

who is actually misled by the deceit.” Civil Code, Section 1711.

2. Fraud is a bad faith, dishonest or overreaching act done with intent to deprive another of his right, or in some manner to do a person an injury. It includes all surprise, trick, cunning, dissembling and unfair ways by which another is cheated. As distinguished from gross negligence, it is always intentional.

Actual Fraud. See Deceit above with addition of:

(e) Any other act fitted to deceive.
Civil code, Section 1572.

3. Incompetence is a demonstrated lack of ability, skill, or knowledge to perform professional functions. Such lack may be demonstrated by a single and specific incident or by a series of lesser failures in performance. This is not to say that a single honest failing in performing his/her duties constitutes incompetence in a RPF’s practice. Because of the difficulty in defining incompetence, performance standards are established by expert witnesses and relate to specific instances, time and place.

4. Material Misstatement of Fact is a misstatement that would be likely to affect the decision of the administrative agency or reasonable person in the transaction in question. In contracts, material facts are those which constitute substantially the consideration of the contract, or without which it would not have been made. For purposes of the Forest Practice Act and Code Section 4583.5 in particular, a material misstatement in a Timber Harvesting Plan or a report submitted to the Department would thus include any misstatements which would be likely to affect the Department’s decision with respect to the Timber Harvesting Plan or report.

“A ‘misrepresentation’ is ‘material’ if it would be likely to affect the conduct of a reasonable man with reference to the transaction in question.” Costello v. Roer (1946) 77 Cal.App.2d 174, 175 Pp.2d 65.

5. Misrepresentation is a conduct or a representation contrary to fact made by a RPF, under circumstances in which a reasonable RPF would not have made the representation. There need not be actual or constructive intent to deceive. Misrepresentation can occur when a RPF holds himself/herself out to be specially qualified, when in fact the RPF is not; it may also occur when a RPF knowingly acts on an insufficient basis of readily available information commonly accepted by a reasonable and prudent by the RPF community in making a representation.

Negligent Misrepresentation:

- (a) The respondent must have made a representation as to a past existing material fact.
- (b) The representation must have been untrue;
- (c) Regardless of respondent’s actual belief, the representation must have been made without any reasonable ground for believing it to be true;

- (d) The representation must have been with the intent to induce plaintiff to rely upon it;
- (e) The plaintiff must have been unaware of the falsity of the representation; he must have acted in reliance upon the truth of the representation and he must have been justified in relying upon the representation.
- (f) And, finally as a result of his reliance upon the truth of the representation, the plaintiff must have sustained damage. Book of Approved Jury Instructions (BAJI), 12.45.

6. Gross Negligence is an extreme departure from the prudent standards of conduct or performance as which may be established by expert witnesses. It is the exercise of so little care that it justifies the belief that the person was indifferent to the interests and welfare of other people or natural resources. Gross negligence does not require actual or constructive intent.

“The intentional, conscious failure to do a thing that is incumbent upon one to do, or the doing of a thing intentionally that one ought not to do.” Pilot Industries v. Southern Bell Tel. & Tel. Co., D.C.S.C., F.Supp. 356, 362.

“The exercise of so slight a degree of care as to raise a presumption of conscious indifference to the consequences. A finding a gross negligence is made by applying an objective test: If a reasonable person in the defendant’s position would have been aware of the risk involved, then the defendant is presumed to have had such an awareness.” People v. Soledad (1987, 5th Dist) 190 Cal.App.3d 74, 235. Cal.Rptr. 208.

Gross – great; absolute; exists in its own right, and not as an appendage of another thing of all measure; beyond allowance; not to be excused; flagrant; gross carelessness.

Negligence – “Negligence is the doing of something which a reasonably prudent person would not do, or the failure to do something which a reasonably prudent person would do, under circumstances similar to those shown by the evidence. It is the failure to use ordinary or reasonable care. Ordinary or reasonable care is that care which persons of ordinary prudence would use in order to avoid injury to themselves or others under circumstances similar to those shown by the evidence. [You will note that the person whose conduct we set up as a standard is not the extraordinary cautious individual, not the exceptional skillful one, but a person of reasonable and ordinary prudence.]” BAJI 3.10.

Actionable Negligence: “[A] legal duty to use due care, breach of that duty, and a proximate or legal causal connection between the breach and plaintiff’s injuries.” E.F. Hutton & Co. v. City National Bank (1983, 2nd Dist) 149 Cal. App. 3d 60, 196 Cal. Rptr. 614).

7. CODE SECTIONS NOTED IN FELONY CRITERIA, 14 CCR §1613 that may be substantially related to the duties of an RPF:

- (a) Public Contract Code
Section 10422 Corrupt performance of official act. “Any officer or employee of the department who corruptly performs any official act under this chapter to the injury of the state...”

Section 10423 Corruptly permitting violation of contract; felony. “Any person contracting with the state by contract who corruptly permits the violation of any contract made under this chapter...”

- (b) Business and Professions Code

Division 7 – Part 2 – Preservation and Regulation of Competition

- (c) Health and Safety Code

Division IX, Part I, Explosives

8. Failure of Fiduciary Responsibility may be tied to Grounds for Disciplinary Action.

Fiduciary Responsibility – A relation subsisting two persons in regard to a business, contract, or piece of property, or in regard to the general business or estate of one of them, of such a character that each must repose trust and confidence. It may involve an agreement where a person delivers a thing to another on the condition he will restore it to him. Violation of fiduciary responsibility may arise from recklessness (inadequate records, etc.). It differs from fraud which is willful.

(Fiduciary Responsibility – Duty)

“In performing professional services for a client, a [forester] has the duty to have that degree of learning and skill ordinarily possessed by reputable [foresters], practicing in the same or a similar locality and under similar circumstances.” It is the forester’s “duty to use the care and skill ordinarily used in like cases by reputable members if his or her profession practicing in the same or a similar locality under similar circumstances, and to use reasonable diligence and his or her best judgment in application of his or her learning, in a effort to accomplish the purpose for which he or she was employed. A failure to fulfill such duty is negligence: BAJI 6.37.

Note: A felony conviction could occur when a contractor received payment and does not pay for materials or labor rendered – the word “fraudulent” is not mentioned in this statute. Federal or out-of-state codes may also not refer to fraud in some situations.

POLICY NUMBER 8 PROFESSIONAL FORESTERS REGISTRATION

HANDLING OF A COMPLAINT (DISCIPLINARY PROCESS) for RPFs:

Note: The disciplinary process is governed by the Public Resources Code (PRC); Title 14 California Code of Regulation (14 CCR), Evidence Code (EC), Code of Civil Procedure (CCP), and Government Code (GC). For the benefit of interested persons, the following provides a narrative of the typical sequence followed in implementing these Codes. The attached flow charts are is a visual presentation of this process.

The Complaint

A complaint can be filed by a person, in writing, with Professional Foresters Registration, or the Board of Forestry and Fire Protection (Board) can proceed upon its own (PRC, Section 775). The RPF's vested property right of the license is protected under "due process". The Executive Officer must verify that the complaint is legally subject to possible disciplinary action (i.e., fraud, deceit, misrepresentation, gross negligence, etc; PRC, Section 778). If the matter is, or becomes, a criminal court action, the Administrative action will likely be delayed until a judicial determination is rendered.

Confidentiality

A complaint is a CONFIDENTIAL matter (Government Code, Sections §6254(f), and §11183). The identity of the person filing the complaint remains confidential throughout the investigation (Evidence Code, Section §1041). This may become public information if Hearing testimony from the complainant is required or if the person's identity is otherwise pertinent to the case. If the complaint does not come under the grounds for discipline, the RPF will still be notified that a complaint was received and of their subsequent exoneration. ~~Confidentiality~~ Confidentiality will likely limit the amount of information that can be provided.

Processing a Complaint

The Executive Officer may take the matter to the Professional Foresters Examining Committee (PFEC) at any ~~state~~ stage of processing.

If the failures of RPF responsibility are well-documented (e.g. violations, citations, court records, or other documents), the RPF is given an opportunity to provide his or her side of the story in response to the issues of concern (allegations). The RPF is advised that the reply may be used against him or her in the process, and may choose not to respond. If needed, expert witnesses may be involved to establish RPF prudent standards of conduct given the same set of circumstances. If the RPF is willing to admit to any failures of responsibility, the Executive Officer may suggest the RPF sign a Stipulated Agreement implementing specified discipline (i.e., suspension, some possibly "stayed" which creates probation, or revocation).

When the issues are not well-documented, the Executive Officer initiates an investigation. This may involve professional investigators from the Department of Consumer Affairs, which is the agency most involved with California licensing boards. The investigator gathers the evidence of what occurred, and is subject to the Evidence Code. Professional forester direction and advice is provided by the Executive Officer, and in some cases, independent RPFs. The investigator interviews witnesses while stressing the confidential nature of the matter, and gathers leads as appropriate. As soon as all information necessary for professional investigation is obtained, the RPF is notified by the Executive Officer who will ~~to~~ explain that Professional Foresters Licensing Registration is coordinating an investigation on complaint allegations. The Executive Officer may enumerate the allegations to the RPF under investigation or the investigator may make the allegations known when presenting questions. When the RPF is personally contacted by the

investigator, the RPF will be asked if he/she is willing to be interviewed to discuss facts important to the case. The RPF is also allowed to make a written statement.

If the case involves risk that evidence can be changed, or witnesses impacted, the Executive Officer may not disclose the allegations to tell the RPF until the investigator makes them known in presenting questions. The RPF is personally contacted by the investigator who asks the RPF if he/she is willing to be interviewed to discuss facts important to the case. The RPF may refuse to be interviewed. The investigator may ask the RPF details about occurrences important to the case. Information gathered may be used against the RPF. The RPF ~~is~~ may also ~~to~~ make a written statement to the investigator.

These stages in the process are sensitive because many RPFs feel they should be able to face his/her accuser at this point. Because no Accusation has been filed, there is no accuser. Many RPF's feel they should have an attorney present when talking with the investigator, but it is not required. Only facts are being gathered for consideration by the ~~Professional Foresters Examining Committee~~ PFEC to recommend appropriate action. At any time evidence warrants criminal action, however, the investigator may read the RPF the Miranda rights prior to gathering statements. A Criminal Complaint may be independently requested by Consumer Affairs, Division of Investigation, or a District Attorney if the evidence warrants such action.

Peer Review

The Executive Officer reviews the RPF's response to the allegations, stipulated Agreement, or investigation report with the ~~Professional Foresters Examining Committee (PFEC)~~. ~~If circumstances warrant, key people may be invited to a confidential, closed session meeting of the PFEC for informal discussions to clarify matter. If the RPF is invited, he/she may decline.~~ Statements made and evidence presented in the discussion review, however, could be used in an Accusation.

When incriminating evidence is sufficient at any time in the process, one or more RPF's serving as "Expert Witnesses" may examine the situations regarding the complaint.

"Standards" of performance are established using the "prudent forester concept" where evaluation by independent RPF's of ~~by~~ similar qualifications and experience, is used to establish proper and prudent actions in any specific situation.

The possible action recommended by the ~~PFEC~~ Committee to the Executive Officer at this point can include: 1) Exoneration; no further action warranted, 2) confidential letter stating the Committee's concerns, 3) recommend to the Board that a Private Board Reprimand be issued, 4) recommend to the Board that the Stipulated Agreement be approved, or 5) proceed with an Accusation. Cases are considered closed after condition 1, 2, and 3. Cases are not considered Closed after condition No.'s 4 and 5.

The Accusation

If disciplinary action without a Stipulated Agreement is anticipated, the Executive Officer in coordination with counsel from the Attorney Generals' Office, prepares a Statement of Issues and the Accusation(s) included.

Filing the Accusation with the Office of Administrative Hearings makes the matter public, and the

Accusation is available ~~accessible from that office~~ upon request.

Sent with the Accusation, the Statement to Respondent notifies the RPF that a Notice of Defense may be filed ~~where he/she can~~ requesting a hearing. At this point, the RPF is advised he/she may want seek representation by legal counsel. The RPF cannot access the investigation working notes or attorney work product. The evidence which will be submitted at the hearing, including reports of any witnesses, can be obtained so he/she may prepare a defense. This is called "discovery." (GC §11507.6) If the RPF finds the evidence to be submitted at the hearing is true and complete, he/she may choose to accept, on the merits of the Accusation, possible Board disciplinary action. This is done by signing a Stipulated Agreement which imposes license suspension or revocation with conditions satisfactory to the Board as appropriate discipline.

Hearing

In the absence of a Stipulated Agreement, An Administrative Law Judge (ALJ) weighs the investigation evidence and the standards of prudent conduct established by the expert witnesses against the evidence provided by the accused RPF. The cost of each party's counsel is borne by the respective party. The accused RPF can provide self representation (no counsel). The burden of proof is "clear and convincing evidence of reasonable certainty." The ALJ prepares a recommendation for Board action. The ALJ is encouraged to utilize the Disciplinary Guidelines in 14 CCR §1612.1 and Criteria for Rehabilitation in 14 CCR §1614.

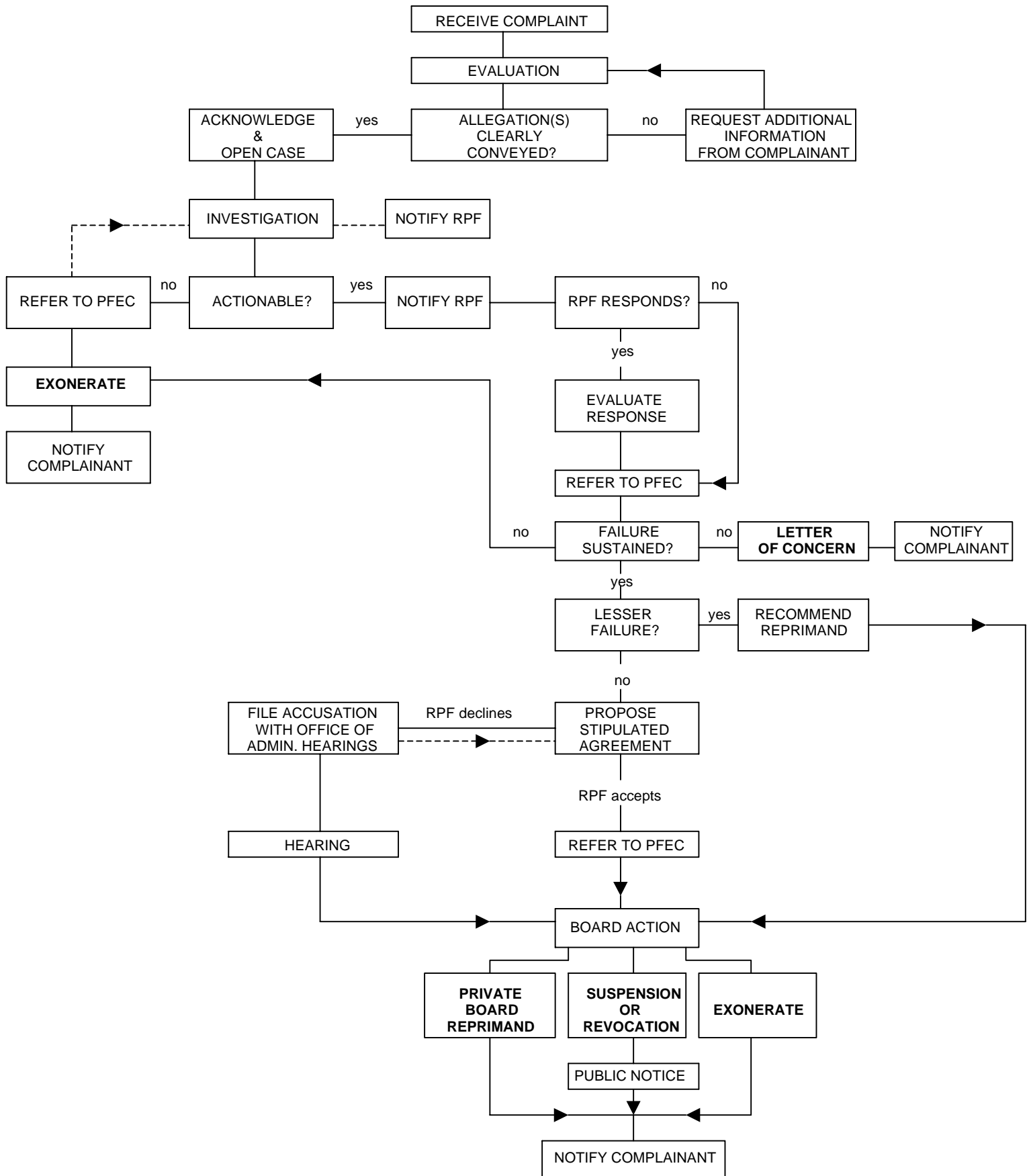
Board Actions from Hearings Findings

A second counsel from the Attorney General's Office represents the Board in considering the decision of the ~~Administrative Law Judge~~. In considering the decision of the ALJ, the Board may adopt, modify the recommendations, send the entire matter back to the same ALJ, or reject the proposed decision and review the case on the record and arrive at a decision (GC §11517). ~~request another hearing before another ALJ.~~ The proposed decision of the ALJ is not binding, unless the Board fails to act within a specified time period. Acting within the specified time period, the Board shall render the final decision relative to suspension or revocation. The Board's final options are: 1) exoneration, 2) suspension, or 3) revocation of license. The Board may allow the RPF to complete existing contracts if action is taken. In a suspension, part can be "stayed" which creates probation; the existing employer or clients must be notified of the discipline per 14 CCR §1612.2. The Board may specify possible conditions for rehabilitation for consideration when the RPF later requests license reinstatement. The Government Code, Section 11522, requires that a minimum of one year pass before the Board can consider a petition for reinstatement. The applicant may submit evidence of rehabilitation.

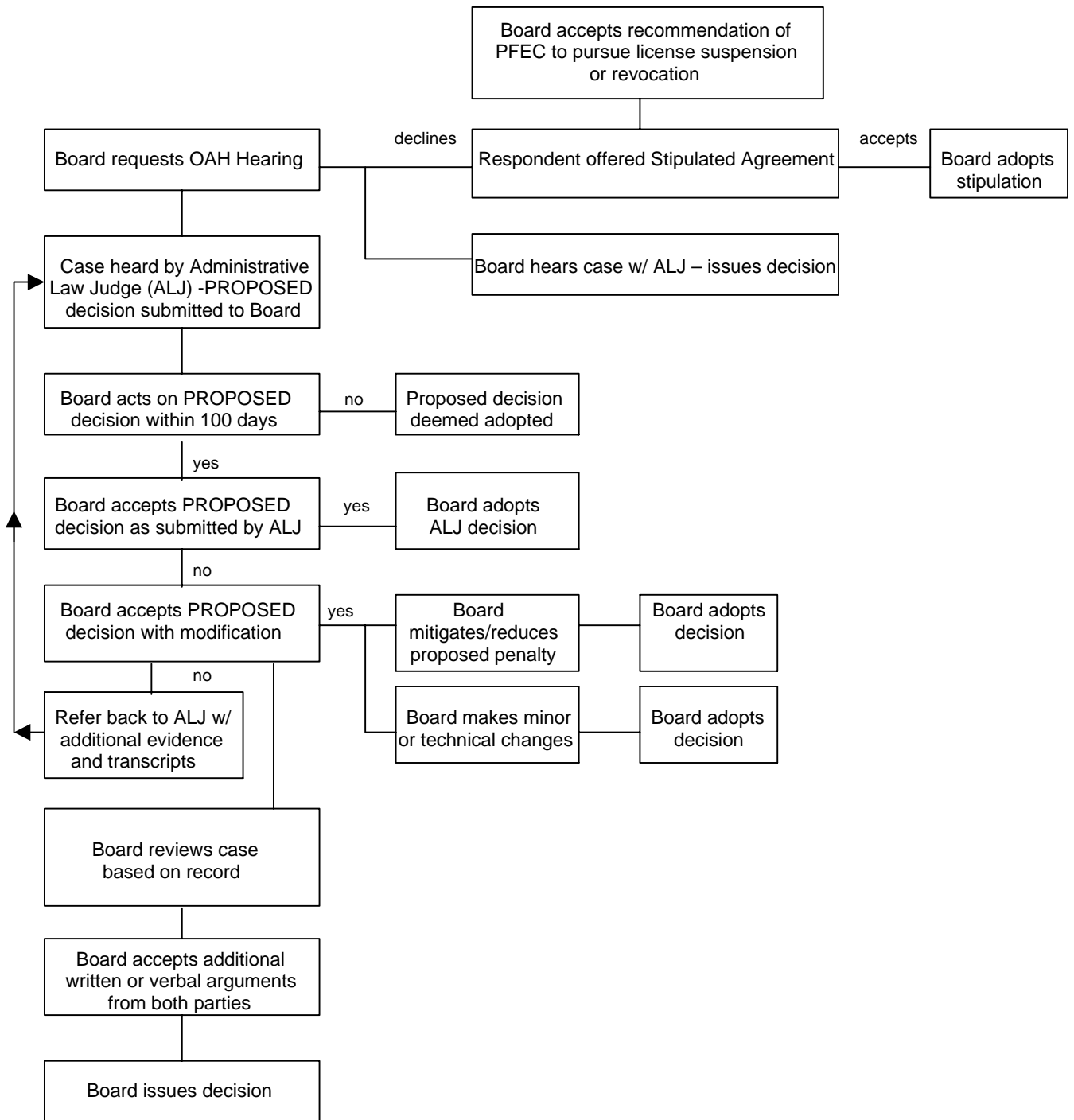
PROFESSIONAL FORESTERS REGISTRATION

Disciplinary Process Flowchart

Complaint Against RPF



**Disciplinary Process Flowchart
License Suspension or Revocation
(ref: Government Code §11517)**



POLICY NUMBER 9 FOR PROFESSIONAL FORESTERS REGISTRATION

HOW TO FILE A COMPLAINT

If a person wishes to file a complaint of professional misconduct against a Registered Professional Forester, the complaint must be submitted in writing, and mailed to Professional Foresters Registration, P.O. Box 94426, Sacramento, CA 94244-2460, (916) 653-8031. ~~The complaint should include the following points:~~

For purpose of providing direction to the Executive Officer of Foresters Licensing, the Board of Forestry and Fire Protection (Board) suggests that all complaints be filed in a consistent format and include the following information:

1. The identity of the person who is the subject of the complaint, including his or her license number if known;
2. A short description of the transaction or circumstances involved;
3. The date and place (city or county) where the events occurred;
4. The identity and addresses or telephone number of any other person(s) who have knowledge of the events described;
5. A description of the loss, damage or other adverse consequences of the licensee's conduct;
6. Copies of pertinent portions of any plans, reports, letters, business records or other documents which support the complaint.

All complaints shall contain the following verification:

VERIFICATION

I CERTIFY UNDER PENALTY OF PERJURY OF THE LAWS OF CALIFORNIA THAT THE FACTS STATED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEGE AND BELIEF.

DATE:

CITY OR PLACE:

SIGNATURE:

NOTE TO COMPLAINANTS: The complainant will receive a letter from ~~the Board of Forestry Professional Foresters Registration~~ acknowledging receipt of the complaint ~~within~~ approximately 3 weeks after submittal. The complaint will then go through an initial review by the Executive Officer ~~and Board of investigators~~. You may be contacted by the Board to provide clarification or additional information. If a complaint you file results in prosecution, you must be willing to testify in the case. You will be notified by the Board if this is necessary. You will also be notified of the final action taken on the case.

POLICY NUMBER 10 FOR PROFESSIONAL FORESTERS REGISTRATION

Review of Probationary Work Products

As part of some stipulated agreements between the PFEC Board of Forestry and Fire Protection (Board) and disciplined RPFs to resolve licensing cases, independent outside RPF review is required of written timber harvest plans and other related documents done by the RPF while on probation ~~are mandated~~ before they are submitted to the California Department of Forestry and Fire Protection (Department) for review and possible approval. It is the responsibility of the RPF being disciplined to arrange for the independent review of his/her work product while on probation. It is the intent of the Board that this type of review will increase the thoroughness and completeness of the work that goes into ~~the timber harvest plans done~~ professional documents prepared by the RPF. To help guide those involved in this review and reporting, the Board suggests that the following standards may be useful to achieve the rehabilitation objective:

Products to be reviewed: All current forms of specified documents ~~timber harvest plans~~ should be reviewed prior to the original submission to the ~~California Department of Forestry and Fire Protection~~. This includes standard timber harvesting plans, emergency timber harvesting plans, modified timber harvesting plans, and any other type(s) of plans involving timber harvest or major amendments to any of these documents the Board of Forestry may create in the future. Depending on the nature of the case, this review may also apply to Confidential Archeological Addenda, stocking reports and other THP related documents.

RPF Reviewer: Must be a licensed Registered Professional Forester, or other appropriate professional, who is involved in the timber harvest plan process, either in reviewing or writing THPs, and who has a working knowledge of current timber harvest plan regulations. RPF must have a current license to practice forestry and not be subject to any open disciplinary case concerning their RPF license. Those RPFs directly involved in the regulatory review of the specific plan (either in an office or on the ground) after submission to the Department shall not be involved in this prior review of the plan.

Review: Unless stipulated otherwise, it is the intent of the Board for this review to be an office check of the completeness of information that went into the specified document(s) ~~timber harvest plan~~, and the presentation of that information in the plan document. The RPF under probation is not prevented from getting the reviewer to go over the plan document, or portions of the plan document in the field, but this is not required.

The review of the plan document should include what sources were used to obtain information ~~in the plan~~, the documentation the RPF has of those sources, and how it is presented ~~in the plan~~. ~~For~~ As an example, where ~~was~~ the list of adjacent landowners names and addresses for Public Notice was obtained ~~from~~, where is it documented, and how is it presented in plan. It is not expected of the reviewer to check whether the names are spelled correctly or that the addresses are accurate. A guide for the reviewer is the THP checklist originally developed by California Licensed Foresters Association, or other appropriate documents. Completing the checklist would provide an adequate review of the plan, combined with assessment of adequacy of source information.

Should reviewer find deficiencies in the plan document being reviewed, suggestions should be made to the RPF to correct problem(s) before submitting the plan document to the Department CDF. It is not the responsibility of the reviewer to make sure that those corrections are made,

but rather it is up to the RPF. A second review of ~~plan~~ document before submission is up to the RPF, and is not mandatory.

Certification of Review: The reviewer shall document and certify in writing to the PFEC that a review of a specific ~~timber plan~~ document has occurred. A letter to the PFEC shall be sent within 7 days of the review, stating what was reviewed, what the results of that review were, and if reviewer believes ~~plan~~ the document met generally acceptable professional standards for ~~timber harvest plans~~ documents submitted to the Department GDF.

Costs: It is up to the RPF to pay for the cost of having the reviewer participate in this process.

Other Work Products: Other work plans or documents reporting work done by or under the supervision of the RPF may require independent RPF review of those work products during probation. If so, that review shall be specifically addressed on a case by case basis in the stipulated agreement.